

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY  
FIRST CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Monday, May 13, 1940.

The Assembly met at ten o'clock a m., pursuant to the provisions of the Proclamation of His Excellency, Culbert L. Olson, Governor of the State of California, dated May 10, 1940

### Announcement.

Jack Carl Greenburg, Chief Clerk of the Assembly, announced that, pursuant to the requirements of the Political Code, section 237, the following officers of the Assembly of the fifty-third (extraordinary) session of the Legislature were present and in their respective positions: Jack Carl Greenburg, Chief Clerk; David V. Oliver, Minute Clerk, and Wilkie Ogg, Sergeant-at-Arms.

### Roll Call of Members.

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Garland, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, and Yorty—76.

Quorum present

### Leave of Absence for the Second Extraordinary Session.

On motion of Mr. Field, Mr Redwine was granted a leave of absence for the fifty-third (second extraordinary) session.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Poulson, on motion of Mr. Waters.

Mr. Kellems, on motion of Mr. Waters.

## Resolutions.

### House Resolution No. 1.

By Mr. Desmond:

*Resolved by the Assembly of the State of California, That the following named persons constitute the officers of the Assembly for the fifty-third (second extraordinary) session, with the per diem as fixed by statute:*

Hon. Gordon H. Garland-----	<i>Speaker</i>
Hon. Gardiner Johnson-----	<i>Speaker Pro Tempore</i>
Jack Carl Greenburg-----	<i>Chief Clerk</i>
David V. Oliver-----	<i>Minute Clerk</i>
Wilkie Ogg-----	<i>Sergeant-at-Arms</i>
Rev. Raymond Lull Bailey-----	<i>Chaplain</i>

House Resolution No. 1 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Garland, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Scudder, Stream, Tennev, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Yorty—63.

**NOES**—Collins—1.

### Oaths of Office Administered.

Hon. Gordon H. Garland, Speaker elect, Hon. Gardiner Johnson, Speaker Pro Tempore elect, Jack Carl Greenburg, Chief Clerk elect, and Wilkie Ogg, Sergeant-at-Arms elect, took and subscribed to the following oath administered by Hon Chas J Hagerty, Deputy Secretary of State.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California, and discharge the duties of the office to which I have been elected to the best of my ability.

### Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly for the fifty-third (second extraordinary) session.

### Proclamation of the Governor Ordered Printed in the Journal.

On motion of Mr. Lyon, the Proclamation of the Governor was ordered printed in the Journal.

### Proclamation.

WHEREAS, An extraordinary occasion has arisen and now exists, requiring that the Legislature of the State of California be convened; now, therefore,

I, Culbert L Olson, Governor of the State of California, by virtue of the power and authority in me vested by section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session, at Sacramento, California, on Monday, the 13th day of May, one thousand nine hundred and forty, at 10 o'clock a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1 To consider and act upon legislation making an additional appropriation to the Reclamation Board for construction, land, rights of way, easements, and general administrative operations and overhead, in augmentation of the appropriation made by Item 206 of the Budget Act of 1939.

2. To consider and act upon legislation making an appropriation for the Emergency Fund created by Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate, and prevent such damage and destruction.

3. To consider and act upon legislation to provide for the acquisition and construction, maintenance and operation of a system of works for the control, storage, conservation and utilization of the waters of the Napa River and its tributaries.

4. To consider and act upon legislation making an appropriation to the Department of Natural Resources for forest fire suppression and prevention.

5 To rescind the action of the Legislature in adopting Senate Constitutional Amendment No. 9, Resolutions Chapter 119 of the Statutes of 1939.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this tenth day of May, A. D., one thousand nine hundred and forty.

PAUL PEEK,  
Secretary of State.

CULBERT L. OLSON,  
Governor of California.

### Resolutions.

#### House Resolution No. 2.

By Mr. Field:

*Resolved by the Assembly of the State of California*, That the Speaker of the Assembly appoint a committee of three to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated the tenth day of May, 1940, and ready for the transaction of legislative business, with the following officers, to-wit:

Hon. Gordon H. Garland	Speaker
Hon. Gardiner Johnson	Speaker Pro Tempore
Jack Carl Greenburg	Chief Clerk
David V. Oliver	Minute Clerk
Wilkie Ogg	Sergeant-at-Arms
Rev. Raymond Lull Bailey	Chaplain

House Resolution No. 2 read, and adopted.

#### Appointment of Special Committee.

In accordance with House Resolution No. 2, the Speaker announced the appointment of Messrs. Field, Robertson and Phillips as such Special Committee.

#### House Resolution No. 3.

By Mr. Turner:

*Resolved by the Assembly of the State of California*, That a special committee of five be appointed to wait upon His Excellency, the Governor, and inform him that the Assembly is organized and awaits any communication he may have to make to it.

House Resolution No. 3 read, and adopted.

#### Appointment of Special Committee.

In accordance with House Resolution No. 3, the Speaker appointed Messrs. Clarke, Turner, Gallagher, Burson and Voigt as such Special Committee.

#### Committee From the Senate.

Senators Mayo and McBride appeared before the bar of the Assembly, and announced that the Senate had organized, and was now ready to proceed with the regular business.

### Resolutions.

#### House Resolution No. 4.

By Mr. Desmond:

*Resolved by the Assembly of the State of California*, That until further notice the Standing Rules of the first extraordinary session which convened on January 29, 1940, be and the same are hereby adopted as the rules of this second extraordinary session convened on May 13, 1940.

House Resolution No. 4 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Doyle, Evans, Fulcher, Gannon, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Reaves, Riche, Rosenthal, Sawallisch, Scudder, Stream, Tenney, Thurman, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—58  
NOES—None.

### Standing Rules of the Assembly for the Fifty-third (Second Extraordinary) Session.

#### Hours of Meeting.

1 The session of Assembly, prior to the constitutional recess, shall be daily, beginning at ten o'clock a.m., (Sundays excepted) unless otherwise ordered by a majority vote of the members present.

Following the constitutional recess, the Assembly shall meet promptly at two o'clock p.m., daily (Sundays excepted) and Mondays at the hour of eleven o'clock a.m., unless otherwise ordered by a majority vote of the members present

*Speaker to Call Assembly to Order*

2. The Speaker, or in his absence, the Speaker pro tempore, shall take the Speaker's chair precisely at the hour appointed for meeting, and shall immediately call the Assembly to order. In the absence of both the Speaker and the Speaker pro tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside

*Roll Call and Quorum.*

3. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered on the Journal. A majority of all the members elected to the Assembly shall constitute a quorum for the transaction of business.

*Order of Business.*

4 The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Reports of Committees
6. Messages from the Governor
7. Messages from the Senate
8. Introduction and Reference of Bills
9. Business on the Daily Calendar
10. Motions and Resolutions
11. Announcements
12. Adjournment.

*Reading of the Previous Day's Journal.*

5. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

*Approval of the Journal*

6. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present

*Motion to Correct Journal.*

7. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

*Presentation of Petitions.*

8. Whenever petitions, memorials or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of

receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

#### *Reports of Committees.*

9. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant. They shall be read and ordered printed on the Journal unless it is ordered otherwise by the Speaker or by a majority vote of the members present.

#### *Messages from the Governor.*

10. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

#### *Messages from the Senate.*

11. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered on the Journal. Assembly bills which have been passed without amendment by the Senate, shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business calendar.

#### *Bills Defined.*

12. Wherever the word bill is used, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided for in these rules.

#### *Introduction and Reference of Bills.*

13. In each legislative session on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back again from Z to A, and as each member's name is called, he shall have the privilege of introducing one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk. When received at the Clerk's desk, it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

Bills and constitutional amendments shall not be read the first time or printed until after the Legislative Counsel has reported thereon as provided by Rule 14.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

*Introduction of Bills.*

14 When a bill or constitutional amendment has been introduced and numbered, and before it is read the first time, it shall be delivered by the Clerk to the Legislative Counsel for examination and report as to whether it appears to be within the scope of the proclamation of the Governor calling the extraordinary session. The Legislative Counsel shall report as to each such measure as promptly as may be, and prior to the end of the next legislative day, returning the measure with the report to the Clerk and transmitting a copy of the report to the author of the measure.

The report shall state briefly and without detail whether the measure appears to be within or without the scope of the proclamation, or whether the matter is doubtful.

The report of the Legislative Counsel shall not be binding upon the Assembly nor preclude further consideration of any measure, nor shall it prevent an objection being subsequently made that such measure, or any amendment made or offered thereto, is not within the scope of the proclamation.

*Examining of Bills by Legislative Counsel Bureau.*

15. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly rule. He shall have authority to correct any clerical error such as orthography, adding or correcting the enacting clause, mistakes in numbering sections and references thereto, and in any other particular wherein the bill does not comply in form with law or Assembly rule. He shall have authority to correct any error in the title of an amendatory bill wherein it does not enumerate the sections added or amended of a particular act or code.

If in the opinion of the Legislative Counsel, any correction made by him under the authority of this rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this rule for any period longer than two legislative days.

*Daily Calendar.*

16. There shall be printed an Assembly Daily Calendar for each legislative day following the constitutional recess, or at any time prior thereto when ordered by the Speaker. The Committee on Rules shall have charge of the Daily Calendar of the Assembly. The following listing shall constitute the order of the Daily Calendar.

- 1 Special Orders of the Day
- 2 Second Reading, Assembly Bills
- 3 Second Reading, Senate Bills
- 4 Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily Calendar shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

#### *Motions and Resolutions*

17 Any motion or resolution not otherwise provided for under the rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly rule, any motion or resolution may be adopted by a majority vote of the members present.

#### *Adjournment.*

18. Adjournment for the constitutional recess or adjournment *sine die* shall be ordered by concurrent resolution. The resolution for adjournment *sine die* shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment.

### **Duties of Assembly Officers.**

#### *Duties of the Speaker.*

19. The Speaker shall possess the powers and perform the duties herein prescribed:

(a) To preserve order and decorum, he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees.

(f) To propose a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers and bills of the Assembly.

(h) To act as chairman of the Committee of the Whole.

(i) To order the lobby and gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants and subpoenas issued by order of the Assembly.

#### *Duties of the Speaker Pro Tempore*

20. The Speaker pro tempore shall have the powers and perform the duties of the Speaker during his absence.

#### *Duties of the Chief Clerk*

21 The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications and records of the Assembly are properly kept

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized

(d) To read or allow his assistants to read from the desk only such matter as the Speaker of the Assembly shall direct

(e) To have general supervision over all clerks, attaches and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties

(f) To suspend temporarily any clerk, attache or employee for incompetency or dereliction of duty, pending action by the Committee on Attaches.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly rule

#### *Duties of the Sergeant-at-Arms*

22. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties

(d) To suspend temporarily any assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Attaches.

(e) To execute all commands of the Speaker

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

#### **Members' Decorum and Privileges.**

##### *Order in Speaking to Questions*

23. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr Speaker." Upon being recognized, he may speak, confining himself to the question under consideration

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding except that the author of a bill or resolution, or the mover of a question shall have the right to close the debate thereon. No member shall be allowed to speak more than ten minutes to open and five minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than five minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.



*Speaker to Decide Who Is Entitled to Floor.*

24. When two or more members rise at the same time, the Speaker shall designate the member to speak first

*Members Called to Order for Transgressing Rules*

25. If any member in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may call the offending member to order. The member so called to order shall immediately take his seat, unless permitted to explain, if called to order by a member, such member shall immediately state the point of order. The point of order shall be decided by the Speaker without debate. If the decision of the Speaker be in favor of the member called to order, he shall be at liberty to proceed, if otherwise, he shall be required to keep his seat. Every such decision by the Speaker shall be subject to an appeal to the Assembly.

*Members Called to Order for Offensive Words.*

26. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

*Members Voting*

27. Every member at his desk when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

A member may submit a written explanation of his vote on any bill or house resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

*Ayes and Noes.*

28. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or *viva voce* when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

*Voting Not to Be Interrupted.*

29. When once begun, voting shall not be interrupted, except that any member may have the total pending vote flashed on the visible vote recorder and except that any member may move a call of the Assembly, after the completion of the roll and prior to the final recording and announcement of the vote.

*Changing Vote.*

30. Prior to the announcement of the vote, the Speaker shall inquire if all members have voted. After the vote is announced, no member shall be allowed to change his vote, or have his vote recorded.

*Members at Clerk's Desk*

31. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

*Tie Vote.*

32. In case of an equal division, or tie vote, the question shall be lost *Call of the Assembly.*

33. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call. Thereupon no member shall be permitted to leave the Assembly Chamber except by written permission of the Speaker and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call the Assembly may consider and transact any matter of business by unanimous consent. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered, shall become the immediate order of business before the Assembly.

*Leave of Absence.*

34. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

*Personal Privilege.*

35. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjourn.

*Objection to Reading of Any Paper.*

36. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

*Assignment of Desks to Members.*

37. Members shall be assigned to desks by the Superintendent of Capitol Buildings and Grounds, and, so far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

### Motions and Questions.

#### *Precedence of Motions During Debate.*

38. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First*—To adjourn;
- Second*—To recess to a time certain;
- Third*—To lay on the table;
- Fourth*—For the previous question;
- Fifth*—To set as a special order;
- Sixth*—To postpone indefinitely;
- Seventh*—To refer or re-refer;
- Eighth*—To amend.

#### *Questions of Order Decided Without Debate*

39. All incidental questions of order, arising after a motion is made for any of the questions named in Rule No. 38 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

#### *Appeal from Decision of the Speaker.*

40. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and shall forthwith put this question to the Assembly "Shall the decision of the Speaker be sustained?"

An appeal can not be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal can not be debated when relating to indecorum, transgression of rules, or priority of business. A majority vote of the members present shall decide any appeal.

#### *To Adjourn*

41. A motion to adjourn is not debatable and can not be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken, shall be entered on the Journal. Such a motion to adjourn must be adopted by a majority vote of the members present.

When such a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. Such statement shall not occupy more than two minutes and shall not be debatable.

*To Recess to a Time Certain.*

42. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

*To Lay on the Table.*

43. A motion to lay on the table is not debatable and can not be amended. If carried by a majority vote of the entire elected membership, it carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint or house resolution.

*The Previous Question.*

44. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the house to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

*Motion to Set Special Order.*

45. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

*Motion to Postpone to a Time Certain.*

46. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

*Motion to Postpone Indefinitely*

47. When a motion is made to postpone indefinitely any bill, motion or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire membership, the main question shall not be acted upon again during the session.

*Motion to Amend.*

48. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule, a motion to amend is in order during the second or third reading of any bill

*Amendment to Be Germane.*

49. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill

*Substitute Motion*

50. A motion to substitute shall be deemed and treated as a motion to amend.

*Motions in Writing.*

51. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

*Consideration of Motions.*

52. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

*Division of Questions*

53. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that one being taken away, a substantive proposition shall remain for the decision of the Assembly.

*Resolutions.*

54. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All house resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

*Withdrawal of Motions*

55. After a motion is stated by the Speaker, or a bill, resolution or petition read by the clerk, it shall be deemed to be in the possession of the Assembly.

*Motion to Be Germane.*

56. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment

*Bills Reported Back to Assembly.*

57. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule.

*Motion to Withdraw and Recall Bills*

58. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee

may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference.

No bill or resolution shall be withdrawn from committee and placed upon the Calendar except upon one day's notice thereof and except by a recorded vote of a majority of the elected members.

*Bills Stricken from Calendar*

59. A motion to strike from the Calendar any bill or House Resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

*Motion to Rescind Action and Expunge Record.*

60. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

*Reference of Bills to Committee*

61. Immediately following its first reading the Speaker shall refer each bill to a committee, unless upon a motion, the Assembly by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

*Record of Bills*

62. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be indorsed upon such bill.

*Consideration of Constitutional Amendments, Concurrent and Joint Resolutions.*

63. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

*Second Reading of Bills.*

64. All bills shall be read the second time in the order of their appearance upon the Second Reading Calendar. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

*Committee Amendments*

65. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

*Amendments from the Floor.*

66. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon the Third Reading Calendar, shall be reprinted and all Assembly bills so reprinted shall be ordered re-engrossed. The Chief Clerk shall order printed not to exceed 1000 copies of all amended bills.

*Committee on Engrossment and Enrollment*

67. It shall be the duty of the Committee on Engrossment and Enrollment to compare all bills, ordered or considered engrossed by the Assembly with the engrossed copies thereof, and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Engrossment and Enrollment shall be in order at any time.

*Engrossing and Enrolling Bills*

68. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the Assembly.

*Bills Transmitted to the Senate*

69. Upon the final passage of any bill, if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

*Bills Considered During Last Seven Days*

70. No Assembly bill shall be passed by the Assembly within seven calendar days previous to the time set for adjournment *sine die* of the Legislature, except upon recommendation of the Speaker and permission to consider and vote on such bill being granted by a recorded vote of three-fourths of the entire elected membership of the Assembly.

*Concurrence in Senate Amendments*

71. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation sub-

ject to reduction or elimination under the provisions of section 34a of Article IV of the Constitution. The vote on concurrence or upon the adoption of such free conference report of the Assembly shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

*Nonconcurrence in Senate Amendments*

72. If the Assembly refuse to concur in the Senate amendments to any Assembly bill, the Chief Clerk shall notify the Senate of such refusal and request the Senate to recede from its amendments. If the Senate so recede and notify the Assembly, the bill shall be forthwith ordered enrolled.

*Committee on Free Conference.*

73. Should the Senate refuse to recede from its amendments and so notify the Assembly, the Speaker shall thereupon appoint three members as a Committee on Free Conference. If there be a minority vote on concurrence, two of such members shall be selected from those voting against concurrence and the third member shall be selected from those voting for concurrence. The Chairman of the Senate Committee on Free Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Free Conference to agree upon a report and the report shall be submitted to both the Senate and Assembly. Such report is not subject to amendment and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Free Conference shall be appointed a member of another Committee on Free Conference on the same bill. The presentation and consideration of any report of a Committee on Free Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any free conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any free conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such free conference report by the Assembly shall be deemed the vote upon final passage of such bill.

*Enrollment.*

74. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in section 539 of the Political Code. The Committee on Engrossment and Enrollment shall report both the day and hour each enrolled bill is presented to the Governor, which report shall be entered on the Journal.



**Committees.***Standing Committees*

75. The standing committees of the Assembly shall be as follows:

1. A Committee on Agriculture, to consist of 17 members.
2. A Committee on Attaches, to consist of 7 members.
3. A Committee on Aviation and Aircraft, to consist of 11 members
4. A Committee on Banking, to consist of 9 members.
5. A Committee on Building and Construction, to consist of 7 members
6. A Committee on Building and Loan Associations, to consist of 7 members
7. A Committee on Civil Service, to consist of 9 members
8. A Committee on Commerce and Navigation, to consist of 9 members.
9. A Committee on Conservation, to consist of 9 members.
10. A Committee on Constitutional Amendments, to consist of 13 members
11. A Committee on Contested Elections, to consist of 5 members.
12. A Committee on Contingent Expenses, to consist of 5 members.
13. A Committee on Corporations, to consist of 9 members
14. A Committee on County Government, to consist of 15 members.
15. A Committee on Crime Problems, to consist of 7 members
16. A Committee on Direct Legislation, to consist of 7 members.
17. A Committee on Education, to consist of 13 members
18. A Committee on Elections, to consist of 11 members
19. A Committee on Engrossment and Enrollment, to consist of 5 members
20. A Committee on Exhibitions and Fairs, to consist of 7 members.
21. A Committee on Federal Relations, to consist of 7 members
22. A Committee on Financial Institutions (other than banking and building and loan associations), to consist of 7 members.
23. A Committee on Fish and Game, to consist of 15 members
24. A Committee on Governmental Efficiency and Economy, to consist of 11 members.
25. A Committee on Governmental Revenues and Expenditures, to consist of 5 members
26. A Committee on Hospitals and Asylums, to consist of 11 members
27. A Committee on Insurance, to consist of 11 members
28. A Committee on Introduction of Bills, to consist of 5 members
29. A Committee on Irrigation, to consist of 17 members
30. A Committee on Judiciary Codes, to consist of 17 members
31. A Committee on Judiciary General, to consist of 15 members.
32. A Committee on Labor and Capital, to consist of 13 members
33. A Committee on Libraries, to consist of 5 members

34. A Committee on Live Stock and Dairies, to consist of 9 members.
35. A Committee on Manufactures, to consist of 7 members
36. A Committee on Medical and Dental Laws, to consist of 9 members
37. A Committee on Mileage, to consist of 5 members
38. A Committee on Military Affairs, to consist of 9 members.
39. A Committee on Mines and Mining, to consist of 9 members.
40. A Committee on Motor Vehicles to consist of 15 members.
41. A Committee on Municipal Corporations, to consist of 13 members.
42. A Committee on Oil Industries, to consist of 9 members
43. A Committee on Prisons and Reformatories, to consist of 11 members
44. A Committee on Public Charities and Corrections, to consist of 9 members
45. A Committee on Public Health and Quarantine, to consist of 9 members.
46. A Committee on Public Morals, to consist of 11 members.
47. A Committee on Public Utilities, to consist of 11 members
48. A Committee on Revenue and Taxation, to consist of 15 members.
49. A Committee on River Navigation, Reclamation and Flood Control, to consist of 13 members
50. A Committee on Roads and Highways, to consist of 15 members
51. A Committee on Rules, to consist of 7 members, including the Speaker
52. A Committee on Social Service and Welfare, to consist of 15 members
53. A Committee on Soldiers and Sailors Affairs, to consist of 13 members
54. A Committee on State Grounds and Parks, to consist of 7 members
55. A Committee on State Colleges, to consist of 7 members.
56. A Committee on Unemployment, to consist of 7 members.
57. A Committee on Universities to consist of 7 members.
58. A Committee on Ways and Means, to consist of 21 members.

#### *Committee Quorum.*

76. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

#### *Meetings of Standing Committees*

77. All standing committees shall meet at the hour provided by schedule, unless otherwise ordered by the Assembly. Committees may hold such additional meetings as the chairman of the committee may deem necessary; provided, that no committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee by a majority vote of its entire membership shall order an executive session.

*Standing Committee Rules.*

78. The Rules of the Assembly shall govern the conduct of all committee meetings whenever practicable. Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

*Signed Bills Out of Committee*

79. No bills shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

*Committee Expenditures*

80. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly, except that the Chairman of the Committee on Ways and Means shall be allowed his actual expenses for the performance of any duties of his office during the constitutional recess.

*Committee on Attaches*

81. The Committee on Attaches shall recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

*Committee on Ways and Means*

82. The Committee on Ways and Means shall consider all bills to appropriate money, other than contingent expenses of the Assembly, and other than bills affecting existing departments of State government which do not increase or decrease the salaries or expenses of such departments.

Whenever requested by the Assembly, the Chairman of the Committee on Ways and Means shall report the exact condition of legislation involving appropriations and the aggregate amount of all proposed appropriations pending before the committee. The committee may also report whenever necessary, their opinion as to the condition of the State revenues and expenditures.

*Committee of the Whole.*

83. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole. The Rules of the Assembly shall be observed in the Committee of the Whole so far as they may be applicable, except that the ayes and noes need not be taken.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered on

the Journal except upon motion and a majority vote of the members present.

*Reconsideration of Vote.*

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so reconsidered was taken

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the Unfinished Business Calendar, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly. The notice of motion to reconsider may be called up by any member on the next legislative day after the notice of reconsideration of the bill, constitutional amendment, concurrent or joint resolution has been given.

Any member voting on any motion, amendment, concurrence, recedence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for reconsideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected Assembly membership, except that constitutional amendments to be so reconsidered shall require an affirmative recorded vote of two-thirds of the entire Assembly elected membership

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

**Printing.**

*Authority for Printing*

85. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed

matter completed in advance of its regular order by the issuance of a rush order

*Printing Style, Form and Amount to Be Printed*

86. Unless otherwise restricted by law or by Assembly rule, the style and form of all printing, the quality of paper to be used, and the number of copies to be printed of each order, shall be decided by the Chief Clerk and approved by the Speaker or Chairman of Committee on Rules. All requests by members for additional copies of bills, documents or other printed matter shall be referred to the Committee on Rules

*Printing Assembly History*

87. The Chief Clerk shall cause to be compiled and printed during the constitutional recess, a Legislative Handbook and a Semi-Final Assembly History, together with an index, setting forth a complete History showing all actions on bills, constitutional amendments, concurrent, joint and house resolutions prior to the constitutional recess.

During the remainder of the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceeding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceeding Weekly History

*Printing of Maps.*

88. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership

**Rules.**

*Adoption of Standing Rules*

89. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these rules

*Parliamentary Rules.*

90. Roberts Rules of Order shall be the recognized authority on all occasions when the Assembly Rules are not applicable

*Suspension of Rules*

91. Unless otherwise specifically provided by law or Assembly rule, any standing rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present, provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

*Amending Standing Rules.*

92. No standing rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly and one day's notice must be given on the motion thereof.

*Temporary Rule.*

93. The Committee on Rules may at any time report a temporary rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary rule shall have the effect for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being.

A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

**Miscellaneous.***Press Privileges.*

94. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks; also the necessary rooms for the exclusive use of such accredited press representatives.

*Privilege of Addressing the Assembly.*

95. No person other than a member of the Assembly shall be permitted to address the Assembly except in the Committee of the Whole.

*Smoking in Assembly Chamber.*

96. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

*Fees for Witnesses.*

97. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of five dollars for each day such witness shall be required to appear, and the sum of three and one-half cents for each mile he shall travel in coming to and going from the place of examination.

*Use of Assembly Chamber.*

98. The Assembly Chamber shall not be used for any public or private business other than legislative matters, during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

*Persons Admitted to Floor of the Assembly*

99. No persons other than members, officers, attaches, employees of the Legislature, former members of the Legislature, and accredited members of the press, shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted, upon presentation of a guest card of said member, countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated only in the chairs in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the

press desks. A special section in the balcony shall be reserved for those holding guest cards.

*Lobbying in the Assembly Chamber.*

100. All persons appearing, or being, or desiring to appear, or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption, or defeat of any bill, measure, or resolution, introduced in, pending before, or being considered by the Assembly, or by any committee thereof, or for the purpose of soliciting the vote of any member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms, his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation or interest, and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses, and the persons, corporations or interest represented by them, shall be kept, and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This rule shall not apply to members of either house of the Legislature, to elected State officers, or citizens of the State of California appearing in their own interest or behalf who are not representing any group, organization or corporation.

No person shall appear at or enter the Assembly Chamber, or any committee room of the Assembly, for the purpose of advocating the adoption or defeat of any bill, measure or resolution, without first having registered and secured the certificate, as herein provided.

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session; and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule. This rule can not be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

*Speaker Explains Order of Business*

101. The Speaker may, on his own motion or upon the motion of any member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

*Admission to Assembly Chamber.*

102. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

## Resolution.

### House Resolution No. 5.

By Mr. Desmond:

*Resolved by the Assembly of the State of California*, That the Speaker of the Assembly appoint a committee of three to confer with a committee of the Senate for the purpose of determining and reporting to the Assembly and to the Senate their recommendations as to the procedure to be followed by the two houses of the Legislature in considering the subjects of legislation proposed by the Proclamation convening this second extraordinary session; and, be it further

*Resolved*, That the Senate is hereby requested to appoint a like committee for the aforesaid purpose; and, be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Senate.

House Resolution No. 5 read, and adopted.

### Appointment of Special Committee.

In accordance with House Resolution No. 5, the Speaker appointed Messrs. Desmond, Lyon and Fulcher as such Special Committee.

### Appointment of Standing Committees.

The Speaker announced the appointment of the following Standing Committees of the Assembly, Fifty-third (Second Extraordinary) Session:

**Agriculture**—Corwin (Chairman), Burns, Hugh M., Clarke, Daley, Desmond, Dilworth, Donnelly, Heisinger, Knight, Leonard, Lore, Millington, Robertson, Scudder, Thorp, Walker and Watson.

**Attaches**—Voigt, (Chairman), Allen, Desmond, Fulcher, Lyon, Stream and Watson.

**Aviation and Aircraft**—Green (Chairman), Corwin, Cronin, Field, Kellems, King, Poulson, Reaves, Redwine, Tenney and Williamson.

**Banking**—Williamson (Chairman), Bennett, Crowley, Gallagher, Green, Lyon, Meehan, Millington and Redwine.

**Building and Construction**—Heisinger (Chairman), Atkinson, Lore, Meehan, Reaves, Salsman and Weber.

**Building and Loan**—Poulson (Chairman), Bennett, Crowley, Doyle, Houser, Pelletier and Tenney.

**Civil Service**—Sheridan (Chairman), Crowley, Donnelly, Evans, Gallagher, Gannon, Houser, Leonard and O'Donnell.

**Commerce and Navigation**—Maloney (Chairman), Atkinson, Gallagher, Gilmore, King, Leonard, Miller, George P., Sheridan and Weber.

**Conservation**—Knight (Chairman), Bashore, Kilpatrick, Redwine, Thurman, Walker, Weber and Weybret.

**Constitutional Amendments**—Call (Chairman), Bennett, Fulcher, Gannon, Hawkins, King, Lyon, Maloney, Pelletier, Scudder, Tenney, Williamson and Wollenberg.

**Contested Elections**—Massion (Chairman), Burson, Gilbert, Burns, Michael J., and Weybret.

**Contingent Expenses**—Hawkins (Chairman), Fulcher, Gilbert, Leonard and Burns, Michael J.

**Corporations**—Carlson (Chairman), Burns, Michael J., Cassidy, Collins, Doyle, Hawkins, Heisinger, Salsman and Thurman.

**County Government**—Bashore (Chairman), Andreas, Carlson, Clarke, Collins, Cronin, Crowley, Desmond, Gilmore, Kilpatrick, Kuchel, Meehan, O'Day, Reaves and Sawallisch.

**Crime Problems**—Richie (Chairman), Atkinson, Doyle, Gilmore, Kellems, Miller, Eleanor; and Wollenberg.

**Direct Legislation**—Redwine (Chairman), Collins, Crowley, Del Mutolo, Phillips, Waters and Wollenberg.

**Education**—Leonard (Chairman), Del Mutolo, Dills, Evans, Gilbert, Green, Johnson, Miller, Eleanor; Richie, Robertson, Sawallisch, Weber and Williamson.

**Elections**—Del Mutolo (Chairman), Cassidy, Collins, Evans, Gilmore, Maloney, O'Day, Reaves, Sheridan, Voigt and Waters.

**Engrossment and Enrollment**—Cassidy (Chairman), Burns, Michael J., Heisinger, Johnson and Kuchel.

**Exhibitions and Fairs**—Dilworth (Chairman), Doyle, Leonard, Miller, George P., Rosenthal, Thorp and Walker.

**Federal Relations**—Phillips (Chairman), Andreas, Carlson, Cassidy and Evans.

**Financial Institutions**—Lyon (Chairman), Dills, Johnson, King, Turner, Williamson and Yorty.

**Fish and Game**—Watson (Chairman), Allen, Call, Carlson, Fulcher, Gallagher, King, Kuchel, Miller, George P., Redwine, Robertson, Salsman, Scudder, Thurman and Voigt.



**Governmental Efficiency and Economy**—Field (Chairman), Allen, Cronin, Gilbert, Lore, Miller, Eleanor; O'Donnell, Poulson, Stream and Turner.

**Governmental Revenues and Expenditures**—Salsman (Chairman), Green, Kepple, Pelletier and Wollenberg.

**Hospitals and Asylums**—Burson (Chairman), Andreas, Cassidy, Corwin, Daley, Knight, Maloney, Miller, Eleanor; O'Day, Scudder and Voigt.

**Insurance**—Scudder (Chairman), Cronin, Desmond, Gallagher, Hawkins, Maloney, Meehan, Miller, George P., Robertson, Salsman and Sawallisch.

**Irrigation**—Walker (Chairman), Clarke, Corwin, Desmond, Donnelly, Heisinger, Kilpatrick, Lore, Massion, O'Donnell, Pelletier, Stream, Thorp, Weber, Weybret and Del Mutolo.

**Judiciary Codes**—Gannon (Chairman), Call, Carlson, Crowley, Del Mutolo, Desmond, Green, Kepple, Kuchel, Millington, O'Donnell, Redwine, Robertson, Sawallisch, Sheridan, Williamson and Wollenberg.

**Judiciary General**—Bennett, Collins, Cronin, Dills, Houser, Johnson, Lyon, O'Day, Richie, Rosenthal, Salsman, Waters and Yorty.

**Labor and Capital**—Yorty (Chairman), Gilbert, Kilpatrick, Maloney, Hawkins, Evans, Pelletier, Phillips, Reaves, Richie, Rosenthal, Tenney and Williamson.

**Live Stock and Dairies**—Weybret (Chairman), Clarke, Cassidy, Desmond, Dilla, Donnelly, Heisinger, Sawallisch and Thorp.

**Medical and Dental Laws**—Cronin (Chairman), Burns, Hugh M., Corwin, Gilmore, Kellems, Knight, Massion, Rosenthal and Richie.

**Libraries**—Clarke (Chairman), Dills, Kuchel, Miller, Eleanor; and Poulson.

**Manufactures**—Thorp (Chairman), Carlson, Collins, Crowley, Maloney, Massion and Wollenberg.

**Mileage**—Waters (Chairman), Bashore, Gilbert, Meehan and Tenney.

**Military Affairs**—Miller, George P. (Chairman), Andreas, Call, Cronin, Dilworth, Gannon, Kellems, Tenney and Voigt.

**Mines and Mining**—Thurman (Chairman), Clarke, Corwin, Dilworth, Doyle, Fulcher, Johnson, Redwine and Turner.

**Motor Vehicles**—Fulcher (Chairman), Burson, Call, Clarke, Daley, Doyle, Field, Gallagher, Heisinger, Lore, Lyon, Pelletier, Phillips, Sawallisch and Waters.

**Municipal Corporations**—Kuchel (Chairman), Allen, Bennett, Daley, Green, Johnson, Massion, Phillips, Reaves, Salsman, Sheridan, Waters and Yorty.

**Oil Industries**—Houser (Chairman), Burson, Daley, Dills, Field, Kuchel, Millington, O'Donnell and Turner.

**Prisons and Reformatories**—Wollenberg (Chairman), Andreas, Atkinson, Burson, Cassidy, Evans, Gannon, Kilpatrick, Maloney, Miller, Eleanor; and Phillips.

**Public Charities and Corrections**—Bennett (Chairman), Atkinson, Burson, Carlson, Kilpatrick, Rosenthal, Scudder, Stream and Thurman.

**Public Health and Quarantine**—Burns, Hugh M. (Chairman), Field, Gilmore, King, Massion, Poulson, Tenney, Waters and Watson.

**Public Morals**—Miller, Eleanor (Chairman), Atkinson, Dilworth, Gannon, Gilbert, Houser, Knight, Meehan, Thorp and Watson.

**Public Utilities**—Allen (Chairman), Bashore, Burson, Call, Gannon, Hawkins, Knight, Millington, Phillips, Watson and Yorty.

**Revenue and Taxation**—Turner (Chairman), Allen, Call, Carlson, Daley, Dilworth, Fulcher, Kellems, Lyon, Sawallisch, Scudder, Voigt, Wollenberg and Yorty.

**River Navigation, Reclamation and Flood Control**—Weber (Chairman), Atkinson, Bashore, Burns, Hugh M., Clarke, Collins, Dilworth, Kepple, Kuchel, Leonard, Redwine, Thorp and Weybret.

**Roads and Highways**—Stream (Chairman), Allen, Andreas, Bashore, Del Mutolo, Fulcher, Gilmore, Leonard, Massion, Meehan, O'Day, Robertson, Sawallisch, Walker and Weybret.

**Rules**—Desmond (Chairman), Burns, Hugh M., Hawkins, Kepple, Lyon and Millington.

**Social Service and Welfare**—Daley (Chairman), Bashore, Yorty, Gallagher, Green, Heisinger, Houser, Johnson, Kepple, Lore, Millington, O'Day, Poulson, Watson and Weybret.

**Soldiers and Sailors Affairs**—Kepple (Chairman), Andreas, Atkinson, Del Mutolo, Donnelly, Houser, Kellems, Miller, George P., O'Donnell, Poulson, Rosenthal, Scudder and Walker.

**State Colleges**—Kellems (Chairman), Burns, Hugh M., Burns, Michael J., Richie, Robertson, Stream and Weybret.

**State Grounds and Parks**—Doyle (Chairman), Burns, Michael J., Donnelly, Leonard, Rosenthal, Stream and Thurman.

**Unemployment**—King (Chairman), Bennett, Houser, Kilpatrick, O'Donnell, Pelletier and Reaves.

**Universities**—Johnson (Chairman), Dills, Evans, Kellems, Richie, Sheridan and Waters.

**Ways and Means**—Millington (Chairman), Allen, Burns, Hugh M., Corwin, Donnelly, Field, Gannon, Hawkins, Kepple, Knight, Miller, Eleanor; Miller, George P., O'Day, Sheridan, Thurman, Turner, Voigt, Walker, Weber and Williamson.

## Resolutions.

## House Resolution No. 6.

By the Committee on Attaches.

MR. SPEAKER. Your Committee on Attaches respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution:

*Resolved*, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their names, payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons for the said respective amounts, and the Treasurer is hereby directed to pay the same:

*Commencing May 13, 1940:*

	<i>Per Day</i>
Rev. Raymond Bailey, Chaplain.....	\$4 00
Jack Carl Greenburg, Chief Clerk.....	10 00
David V. Oliver, Minute Clerk.....	9 00
Wilkie Ogg, Sergeant-at-Arms.....	8 00
C. W. Booth, Assistant Chief Clerk.....	9 00
Albert Day, Journal Clerk.....	7 00
Frank Reed, History Clerk.....	7 00
Lillian Larkin, Stenographer.....	5 00
John E. Fitzgerald, Assistant Sergeant-at-Arms.....	5 00
Michael Connolly, Assistant Sergeant-at-Arms.....	5 00
George Doering, Assistant Sergeant-at-Arms.....	5 00
Tom Lyons, Assistant Sergeant-at-Arms.....	5 00
William Davies, Assistant Sergeant-at-Arms.....	5 00
Ed Nathan, Assistant Sergeant-at-Arms.....	5 00
Lee J. Hoffman, Assistant Sergeant-at-Arms.....	5 00
William Murphy, Chief Page.....	3 00
Harold McKenzie, Page.....	2 50
Louis Desmond, Page.....	2 50
Domingo Correa, Page.....	2 50

*Resolved, further*, That the compensation of the above named attaches shall be on a six-day per week basis, except the following, Chief Clerk, Assistant Chief Clerk, Minute Clerk and Sergeant-at-Arms, who shall receive compensation on a seven-day per week basis.

VOIGT, Chairman Attache Committee

House Resolution No. 6 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bashore, Bennett, Burns, Hugh M. Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cowin, Cronin, Crowley, Daley, Desmond, Dills, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kepple, Kilpatrick, Kuchel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Sawallisch, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—63

NOES—None.

## House Resolution No. 7.

By Mr. Waters:

*Resolved by the Assembly of the State of California*, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same:

District	Name	Address	Distance from county seat	Distance from county seat, miles	Distance from county seat, less	Mileage one way	Total mileage	Amount at 5 cents per mile
1	Michael J. Burns	Eureka, Humboldt County	312	--	--	624	624	\$31 20
2	Clinton J. Fulcher	Lookout, Modoc County	324	--	44	280	560	28 00
3	John H. O'Donnell	Woodland, Yolo County	23	--	--	46	46	2 30
4	Seth Millington	Gridley, Butte County	86	--	14	72	144	7 20
5	Ernest C. Crowley	Snysun, Solano County	48	--	--	96	96	4 80
6	Allen G. Thurman	Colfax, Placer County	37	17	--	54	108	5 40
7	Hubert B. Scudder	Sebastopol, Sonoma County	90	7	--	97	194	9 70

Amount at 5 cents per mile-----	Total mileage-----	Mileage one way-----	Distance from county seat, lbs-----	Distance from county seat, more-----	Distance from county seat-----	Name	Address
8						Chester F Gannon-----	Sacramento, Sacramento County-----
9						Earl D Desmond-----	Sacramento, Sacramento County-----
10					62	Harold F Sawallisch-----	Richmond, Contra Costa County-----
11					48	Charles M Weber-----	Stockton, San Joaquin County-----
12					48	James E Thorp-----	Lockeford, San Joaquin County-----
13					84	James M Cassidy-----	Oakland, Alameda County-----
14					84	George P Miller-----	Alameda, Alameda County-----
15					84	Bernard A Sheridan-----	Oakland, Alameda County-----
16					84	Arthur W Carlson-----	Piedmont, Alameda County-----
17					84	Henry P Meehan-----	Oakland, Alameda County-----
18					84	James H Phillips-----	Oakland, Alameda County-----
19					84	Gardiner Johnson-----	Berkeley, Alameda County-----
20					90	Thomas A Maloney-----	San Francisco, San Francisco County-----
21					90	Joseph P Gilmore-----	San Francisco, San Francisco County-----
22					90	George D Collins, Jr-----	San Francisco, San Francisco County-----
23					90	Dan Gallagher-----	San Francisco, San Francisco County-----
24					90	Edward F O'Day-----	San Francisco, San Francisco County-----
25					90	Melvin I Cronin-----	San Francisco, San Francisco County-----
26					90	Ray Williamson-----	San Francisco, San Francisco County-----
27					90	Albert C Wollenberg-----	San Francisco, San Francisco County-----
28					90	Robert Miller Green-----	San Francisco, San Francisco County-----
29					119	Harrison W Call-----	Redwood City, San Mateo County-----
30					128	Byrl R Salsman-----	Palo Alto, Santa Clara County-----
31					128	M G Del Mufolo-----	San Jose, Santa Clara County-----
32					77	Hugh P Donnelly-----	Turlock, Stanislaus County-----
33					114	George A Clarke-----	LeGrand, Merced County-----
34					173	Jacob M Leonard-----	Hollister, San Benito County-----
35					208	Fred Weyhert-----	Soledad, Monterey County-----
36					169	Hugh M Burns-----	Fresno Fresno County-----
37					169	S L Helsingier-----	Fresno Fresno County-----
38					206	Gordon H Garland-----	Woodlake, Tulare County-----
39					460	Alfred W Robertson-----	Santa Barbara, Santa Barbara County-----
40					190	Roscoe W Burson-----	Fillmore, Ventura County-----
41					278	Rodney L Turner-----	Delano, Kern County-----
42					447	Elmer E Lore-----	North Hollywood, Los Angeles County-----
43					447	C Don Field-----	Glendale, Los Angeles County-----
44					447	John B Pelletier-----	Los Angeles, Los Angeles County-----
45					447	Thomas J Doyle-----	Los Angeles, Los Angeles County-----
46					447	Jack B Tennev-----	Ingewood, Los Angeles County-----
47					447	Eleanor Miller-----	Pasadena, Los Angeles County-----
48					447	T Fenton Knight-----	La Canada, Los Angeles County-----
49					447	Lee T Bashore-----	Glendora, Los Angeles County-----
50					447	Gerald C Kepple-----	Whittier, Los Angeles County-----
51					447	F Ray Bennett-----	Los Angeles, Los Angeles County-----
52					447	Ben Rosenthal-----	Los Angeles, Los Angeles County-----
53					447	Frederick F Houser-----	Alhambra, Los Angeles County-----
54					447	Willbur F Gilbert-----	Los Angeles, Los Angeles County-----
55					447	Vernon Kilpatrick-----	Los Angeles, Los Angeles County-----
56					447	Norris Poulson-----	Los Angeles, Los Angeles County-----
57					447	Kent H Redwine-----	Los Angeles, Los Angeles County-----
58					447	Frank I Waters, Jr-----	Los Angeles, Los Angeles County-----
59					447	Charles W Lyon-----	Los Angeles, Los Angeles County-----
60					447	Jesse Randolph Kellems-----	Los Angeles, Los Angeles County-----
61					447	Ernest O Voigt-----	Los Angeles, Los Angeles County-----
62					447	Augustus P Hawkins-----	Los Angeles, Los Angeles County-----
63					447	Don A Allen-----	Los Angeles, Los Angeles County-----
64					447	Samuel W Yorty-----	Los Angeles, Los Angeles County-----
65					447	John W Evans-----	Los Angeles, Los Angeles County-----
66					447	Jack Massion-----	Los Angeles, Los Angeles County-----
67					447	Cecil B King-----	Los Angeles, Los Angeles County-----
68					447	Fred Reaves-----	San Pedro, Los Angeles County-----
69					447	Ralph C Dills-----	Compton, Los Angeles County-----
70					447	Maurice E Atkinson-----	Long Beach, Los Angeles County-----
71					508	Godfrey A Andreas-----	Upland, San Bernardino County-----
72					508	Gordon W Corwin-----	Redlands, San Bernardino County-----
73					481	Clyde A Watson-----	Orange, Orange County-----
74					481	Thomas A Kuchel-----	Anaheim, Orange County-----
75					512	Nelson S Dilworth-----	Hemet, Riverside County-----
76					661	Clarence R Walker-----	Westminster, Imperial County-----
77					573	Jeanette E Daley-----	San Diego, San Diego County-----
78					573	Paul A Riehe-----	San Diego, San Diego County-----
79					573	Charles W Stream-----	Palm City, San Diego County-----
80					573		

Name	Address	Distance from county seat	Distance from county seat, more	Distance from county seat, less	Village one way	Total mileage	Amount at 10 cents per mile
Jack Carl Greenburg	Los Angeles, Los Angeles County	---	--	--	---	894	\$89 40
David V. Oliver	Merced, Merced County	---	--	--	---	228	22 80
Walter Ogg	Sacramento, Sacramento County	---	--	--	---	---	---

House Resolution No. 7 referred to Committee on Rules.

### Senate Message.

SENATE CHAMBER, SACRAMENTO, May 13, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day elected the following statutory officers for this fifty-third (second extraordinary) session:

*President Pro Tempore*-----Jerrold L. Seawell  
*Secretary of the Senate*-----Joseph A. Beek  
*Sergeant-at-Arms*-----Joseph F. Nolan  
*Minute Clerk*-----James Boyd Garrison  
*Chaplain*-----A. Raymond Grant

J. A. BEEK, Secretary of Senate  
 By JOHN F. LEA, Assistant Secretary.

### Communication Ordered Printed in Journal.

On motion of Mr. Field, the following communication was ordered printed in the Journal.

HOLLYWOOD, CALIFORNIA, April 29, 1940.

*Hon. Gordon Garland, Speaker of the Assembly,  
 State Capitol, Sacramento, California.*

DEAR MR. SPEAKER: I am recently in receipt of a beautifully printed copy of a resolution wishing me a speedy recovery, adopted by the Assembly during the February Special Session. It was my hope to be present when the Legislature reconvened in May and to express my thanks to the members in person. However, due to circumstances beyond my control, I find it impossible to attend. Therefore, I wish to express through you my sincere appreciation to the members of the Assembly for passing this kind resolution, and to state my great regret that I cannot be present to take part in your deliberations.

With kind personal regards to you, Mr. Speaker, and to the rest of the Assembly members, Democrats and Republicans alike, Conservative, Liberal, and otherwise, I am

Sincerely yours,

KENT H. REDWINE

### Communication.

The Speaker announced the receipt of a communication from the Governor.

#### Motion to Read Governor's Communication.

Mr. Lore moved that the communication from the Governor be read.

#### Substitute Motion.

Mr. Call moved as a substitute motion, that the Governor's communication be printed in the Journal.

Substitute motion carried by the following vote:

AYES—Allen, Bashore, Burns, Michael J., Burson, Call, Carlson, Clarke, Corwin, Cronin, Desmond, Dilworth, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Johnson, Kepple, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Phillips, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, Yorty, and Mr. Speaker—44.

NOES—Atkinson, Bennett, Cassidy, Collins, Crowley, Dills, Evans, Gilbert, Houser, Kilpatrick, Knight, Lore, Massion, Miller, George P., O'Donnell, Reeves, Richie, and Rosenthal—18.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,  
SACRAMENTO, May 13, 1940.

*To the Senate and Assembly of the State Legislature of California.*

GREETINGS: Events occurring since the issuance by me of the Proclamation calling a special session of the Legislature on January 29th last, have produced conditions requiring another special session of the Legislature for the enactment of urgency legislation to meet conditions caused by those events. I, therefore, issued a proclamation calling for another special session fixing the time for its convening at ten o'clock a.m. on Monday, May 13, 1940. The subjects specifically submitted in this proclamation are the following:

*First:* To consider and act upon legislation making an additional appropriation to the Reclamation Board for construction, land, rights of way, easements, and general administrative operations and overhead, in augmentation of the appropriation made by Item 206 of the Budget Act of 1939.

An additional appropriation of \$1,900,000 is required for this purpose.

Briefly, the reasons for and conditions justifying this additional appropriation are as follows:

The extraordinary floods of the Sacramento River and its tributaries occurring in March and April of this year have done great damage to the river levees and other works of the Sacramento River Flood Control Project. These damages must be repaired before another flood season, in order to avert even worse and irreparable damages.

The Sacramento River Flood Control Project is a plan, now being prosecuted by the Federal and State governments and local interests, for the protection of the Sacramento Valley from the floods of the Sacramento River and its tributaries. The plan has as its coordinated purposes: First, flood control, making possible the maintenance of river levees and the forming of self-scouring river channels; second, the scouring out of mining debris which has accumulated in the river channels; and third, the restoration and maintenance of navigation.

The project has been under construction under the present plan since 1928. In your regular session of 1939 you appropriated \$1,211,570 for the State's share of the 1939-41 program thereunder. Because of the extraordinary floods referred to, the public welfare in the preparation for future flood seasons requires immediate enlargement of the 1939-41 program under this project.

Levee breaks in the recent floods occurred in levee sections not as yet constructed to standard specifications. The breaks occurring in these floods resulted in the inundation and consequent severe damage to some 350,000 acres of reclaimed land. Great difficulty was experienced in preventing further breaks and overtopping of levees that were not up to standard. This condition requires the completion of all programmed works for the 1939-41 construction season. To be effective, this work must be consummated before the next flood season.

The amount of the additional appropriation of \$1,900,000 which I recommend is based upon surveys and recommendations of the State Reclamation Board and the California Debris Commission.

Attention is called to existing Federal requirements which stipulate that the State's share of participation in this project must be transmitted to the Treasurer of the United States before contracts may be let by the California Debris Commission. In addition, there is required a thirty-day period of advertising the contracts for bids. It should also be noted that time is needed for the Reclamation Board staff to secure the necessary rights of way and borrow areas before construction can commence.

The State funds appropriated by you should be made available not later than June 1, 1940. This would enable bids to be opened on the largest and most urgent items of construction on or about June 20th, and successful bidders probably would start actual construction early in July.

The total yardage that should be placed in levee sections before next flood season is approximately 9,400,000 cubic yards on about 70 miles of levee.

The recent disastrous floods have eroded and weakened Sacramento River Flood Control Project levees to such an extent that the necessary funds must be made immediately available so that these protective works can be reconstructed and restored to standard specifications before the next flood season. The lives and property of over 250,000 inhabitants in an area exceeding 1,000,000 acres of highly developed agricultural land are exposed to a repetition of devastating floods that might again result in tremendous loss of life and property.

These levees also safeguard a large public investment in State and county highways and other public works in the counties of Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Yolo and Yuba.

*Second:* The next and related subject included in the Proclamation calling this special session is an appropriation to the Emergency Fund created by Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction.

The unusually heavy rains and floods occurring in the months of February, March and early April of this year were particularly disastrous in most of Northern California. The first and greatest flood occurred from February 25th to March 2d, when as much as twenty inches of rain fell in a five-day period and the resulting floods were in many places higher than any known record. Ten lives were lost, a thousand square miles of land flooded, and damages amounting to about twelve million dollars occasioned. A report covering the effect of this flood in detail and itemizing the damage, both by location and character, was prepared by the Department of Public Works and submitted to me on March 18th. Reference is made to this report for a full description of this flood and the ensuing damage.

Great distress has been occasioned by this flood emergency, and widespread appeals have been made for State and Federal assistance. The Federal Government has responded by making WPA funds available, by disaster loans, by easing of Federal Land Bank payments, and in other ways. The State is expending \$60,000 from the Emergency Fund in the closing of the more critical levee breaks, and has set aside an additional \$2,000,000 from the Emergency Fund for flood damage restoration work. Applications for State assistance totaling about two million dollars have been received.

There is ample precedent for such assistance. Following the storms and floods of the winter of 1937-1938, when flood damage in large amount occurred in most parts of California, the Legislature in special session in March, 1938, appropriated five million dollars for flood damage restoration, which sum has practically all been allocated and expended under close technical and financial supervision by the State. Following the precedent established in 1938 in extending State assistance, in communities damaged by floods and which are unable themselves to carry on the work of rehabilitation, State assistance is necessary and justified.

All applications for State assistance are being investigated in the field by Department of Public Works engineers, and reports on many are completed. An estimate of the appropriation to the Emergency Fund necessary to meet this State obligation fairly and properly, using the 1938 criteria as to eligibility will be furnished me by the Department of Public Works within a day or two. This will be duly transmitted to you with my recommendation as to the amount of your appropriation.

*Third.* The third item contained in this Proclamation is that you consider and act upon legislation to provide for the acquisition and construction, maintenance and operation of a system of works for the control, storage, conservation and utilization of the waters of the Napa River and its tributaries.

In the Napa Valley a water shortage has become acute and urgently calls for solution.

The water supply for the Veterans' Home of California, and other State institutions in Napa County, is inadequate. Chapter 760, Statutes of 1937, and Chapter 678, Statutes of 1939, both urgency measures, appropriated moneys to be expended by the Department of Finance for the purchase or construction of a dam and water distribution system for the Veterans' Home of California, and other State institutions in Napa County.

By Chapter 413, Statutes of 1935, the Rector Dam Authority was created and given authority to investigate and determine the best method of impounding the waters of Rector Creek, in Rector Canyon, and the feasibility of erecting a dam and constructing a system for the distribution of the waters of Rector Creek to the public or to municipalities, or to public districts, or to State institutions or agencies. It was given jurisdiction over a portion of Napa State Farm, from which the present water supply for the State institutions is taken, for use as a site for the construction of a proposed dam. It was also given authority to issue revenue bonds to the Federal Government to construct a dam and necessary distribution system.

A survey is now being made by the Department of Public Works for the purpose of determining the most feasible and economical location for a dam and reservoir, but it would appear that additional legislation is necessary before starting construction, whatever the survey may indicate to be the best means of meeting the situation.

Under existing legislation the Rector Dam Authority can not use the funds appropriated to the Department of Finance for the construction of the dam. On the other hand, the Department of Finance has available the moneys appropriated, but it has no jurisdiction over the proposed Rector Dam site, which is vested in the Rector Dam Authority, and could not use the site if it were determined that it was the best location for the dam. The appropriations to the Department of Finance are also limited to the purchase or construction of a dam and water distribution system for the Veterans' Home of California, and other State institutions in Napa County. In the event sufficient water were impounded by the dam constructed by the Department of Finance to leave a surplus after the supplying of the State institutions in Napa County, there would be no legal authority for distributing this water.

In order to protect the State's investment of several millions of dollars in its institutions in Napa Valley; to avoid the impairment of the health of inmates by reason of the lack of adequate water; to eliminate a serious fire hazard; to bring together money and lands heretofore made available to different agencies, and to otherwise cure the defects of existing legislation and to permit the acquisition of a

sufficient water supply upon the most sound economical basis, it is deemed necessary that such a measure prepared under the direction of the Director of Finance and Director of Public Works will be duly submitted for your consideration. The need and urgency for such further legislation is attested by the previous enactments which have been cited.

*Fourth:* The fourth subject submitted in this Proclamation for your consideration is the making of an appropriation to the Department of Natural Resources for fire suppression and prevention.

Adequate fire protection for our forests and watersheds is also related to the flood control program; but, independent of the aid which adequate fire protection of our forests would be to flood control, the need for additional funds for fire suppression and prevention is so vital and immediate that your action in responding to it is a very urgent necessity.

A state-wide Fire Control Plan has been adopted by the present State Board of Forestry, as a result of a careful study of the actual fire situations which have occurred in California during the past ten years. The technicians and forest rangers of the Division of Forestry have assisted in the preparation of this plan; and in its adoption the Forestry Division has also had the advice and cooperation of the United States Forestry Service.

In view of the approaching fire season the total special appropriation requested for the period from May 15th, 1940, to June 30th, 1948, is \$883,600, which appropriation I hereby recommend.

These additional funds are required because they will result in a future saving of fire control money, as well as of taxable wealth, many times greater than the proposed expenditure.

These additional funds are also necessary to compensate for the lack of protection which has resulted from the withdrawal of the Civilian Conservation Corps from first line fire protection.

The members of the Legislature have been furnished detailed information in support of this recommended appropriation and the urgency thereof, including the following information:

During the calendar year of 1939 the State Division of Forestry suppressed 6,864 fires burning in timber, watershed, range and grain areas and incidental structures.

These fires burned over more than half a million acres of State protected land. The losses sustained are not to be calculated merely for our generation, for there were losses not only of homes, livestock, property, range, grain and timber, but in addition we have the huge and incalculable loss of fertile soil washed from the watersheds by millions of tons into the streams and rivers and into the sea. These are the most serious damages of all, and they will not, and can not, be replaced within many generations, if ever.

The fires of the last season and of previous ones are a contributing cause of the floods of the current spring season. This is established beyond all question of doubt. Without better fire suppression and prevention of the annual loss of protective forest cover, future flood crests will rise to unprecedented heights. Future rains will erode the exposed soil of mountain and foothill slopes, bringing ruin not only to these lands but to the valley farms and communities below.

During 1939 there were 6,864 of these fires. During 1940, with the best of luck, the Division of Forestry will suppress not less than 4,000 fires.

Yet the budget of the Division of Forestry has never been adequate to meet these normal and known conditions. Each year huge emergency and deficiency appropriations have been made when the emergency was upon us; they were necessary and compelled by calamity.

The cheapest and most efficient way to suppress fires is before they occur, or, in any event, at their inception, and the additional appropriation should be considered as an economy measure.

*Fifth:* The last item or subject submitted in this Proclamation for your consideration is the rescission of the action of the present Legislature in adopting Senate Constitutional Amendment No. 9, Resolutions Chapter 119 of the Statutes of 1939, which would automatically be submitted to the voters at the general election of this year.

My reasons for submitting this subject and recommending, which I do, the rescission of your adoption of this proposed constitutional amendment are two-fold.

First. It is the only way open for me to go on record in the Journals of your proceedings against the adoption of this amendment, and

Second. My belief that the far-reaching, injurious consequences of this amendment, if adopted, may not have been given the consideration due the subject when the resolution was passed.

This proposed amendment would allow for unlimited encroachment on the executive branch of the government by the judicial branch, contrary to the basic conception of the independent functions of the three branches of government under the American constitutional system. It would place in the courts a responsibility to determine purely administrative acts.

Every order or determination of any administrative officer, board or commission in the performance of their duties under the Constitution and in the adminis-

tration of the acts of the Legislature, would be subject to review, trial de novo, revision or revocation upon appeal therefrom to a judge of a superior court, regardless of the fact that the order or determination is purely an administrative act under all standards and precedents established throughout the history of our constitutional system.

It would enable any private interest to obstruct the execution of acts of the Legislature, by compelling administrative orders made under them to run the gamut of judicial procedure until a court of last resort, after long delays, shall tell the administrative officer or commission whether and how the law may be enforced.

The effect would be a circumvention of the execution of laws and a promotion of governmental inefficiency.

I can not too strongly urge your reconsideration of this resolution, with the hope that you will rescind it.

This special session is called for an hour immediately prior to the resumption of the special session previously called, in expectation that you may delay resumption of the previously called special session to act or initiate action upon these urgency matters before resuming that session.

Respectfully yours.

CULBERT L. OLSON,  
Governor of California.

CLO:eg

### **Presentation of Bills for Introduction.**

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

**Assembly Bill No. 1: By Messrs. Desmond, Millington, Gannon and Fulcher**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Assembly Bill No. 2: By Mr. Knight**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

**Assembly Bill No. 3: By Messrs. Millington, Desmond, Gannon and Fulcher**—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the purposes herein specified, declaring the urgency thereof, and providing that this act shall take effect immediately.

### **Introduction and Reference of Bills.**

The following bills were reported back from Legislative Counsel Bureau, and read the first time:

**Assembly Bill No. 1: By Messrs. Desmond, Millington, Gannon and Fulcher**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control.

**Assembly Bill No. 2: By Mr. Knight**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Referred to Committee on Conservation.

**Assembly Bill No. 3: By Messrs. Millington, Desmond, Gannon and Fulcher**—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the purposes herein specified, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control.

### **Motion to Allow Golden Gate International Exposition to Present Preview.**

Mr. Miller moved that the offer of the Golden Gate International Exposition to stage its preview show in the Assembly Chamber be accepted and that it be made a special order of business for 2 p.m. tomorrow.

The roll was called.



**Call of the Assembly.**

Pending the announcement of the vote, Mr. Miller moved a call of the Assembly.

The roll was called, and call of the Assembly refused by the following vote:

**AYES**—Allen, Bashore, Burns, Michael J., Daley, Desmond, Dilworth, Gallagher, Hawkins, Kilpatrick, Kuchel, Leonard, Meehan, O'Day, O'Donnell, Pelletier, Reaves, Rosenthal, Scudder, Walker, Weber, and Mr. Speaker—21.

**NOES**—Atkinson, Bennett, Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Dills, Dovie, Evans, Field, Fulcher, Gilbert, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Knight, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, Phillips, Richie, Sawallisch, Stream, Thurman, Voigt, Waters, Watson, Wollenberg, and Yorty—41.

The question being on the motion by Mr. Miller.

Motion carried by the following vote:

**AYES**—Burns, Hugh M., Burns, Michael J., Burson, Cassidy, Collins, Desmond, Evans, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Kilpatrick, Leonard, Lore, Maloney, Meehan, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Reaves, Rosenthal, Sawallisch, Scudder, Thurman, Walker, Waters, Weber, and Yorty—32.

**NOES**—Allen, Andreas, Atkinson, Bashore, Bennett, Call, Carlson, Clarke, Corwin, Cronin, Daley, Dills, Dilworth, Doyle, Field, Gannon, Heisinger, Houser, Johnson, Kepple, Knight, Kuchel, Lyon, Massion, Millington, Phillips, Richie, Stream, Voigt, Watson, and Wollenberg—31.

**Recess.**

At eleven o'clock and thirty minutes a.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of eleven o'clock and fifty minutes a.m.

**Reassembled.**

At eleven o'clock and fifty minutes a.m., the Assembly reconvened. Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

**Introduction and Reference of Bills (Resumed).**

The following bill was introduced:

**Assembly Joint Resolution No. 1: By Messrs. Tenney, Yorty, Gannon, Phillips and Bashore**—Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organizations which are instigated, encouraged and fostered by it.

**Request for Unanimous Consent.**

Mr. Tenney asked for unanimous consent to consider Assembly Joint Resolution No. 1, at this time, without reference to committee.

Mr. Rosenthal withheld his consent.

**Motion for Temporary Suspension of the Rules.**

Mr. Tenney moved that the Rules be temporarily suspended for the purpose of considering Assembly Joint Resolution No. 1, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

**AYES**—Allen, Andreas, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Corwin, Cronin, Daley, Del Mutolo, Desmond, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, Phillips, Sawallisch, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Williamson, Wollenberg, Yorty, and Mr. Speaker—49.

**NOES**—Atkinson, Gilbert, Hawkins, Kilpatrick, Knight, Lore, Massion, Pelletier, Reaves, Richie, and Rosenthal—11.

**Demand for Previous Question.**

Messrs. Burson, Field, Clarke, Allen and Stream demanded the previous question.

Demand for previous question sustained by the following vote:

**AYES**—Allen, Bashore, Burns, Michael J., Burson, Call, Cassidy, Clarke, Corwin, Daley, Del Mutolo, Desmond, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Kepple, Leonard, Lyon, Millington, O'Day, Phillips, Robertson, Sawalisch, Stream, Tenney, Thurman, Turner, Voigt, Walker, Watson, Weber, Yorty, and Mr. Speaker—37.

**NOES**—Andreas, Atkinson, Burns, Hugh M., Carlson, Collins, Dilworth, Gilbert, Hawkins, Houser, Johnson, Kilpatrick, Knight, Kuchel, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., Pelletier, Reaves, Richie, Rosenthal, Scudder, Waters, and Wollenberg—25

The question being on the adoption of Assembly Joint Resolution No. 1.

The roll was called.

#### Call of the Assembly.

Pending the announcement of the vote, Mr. Tenney moved a call of the Assembly.

Motion carried. Time, eleven o'clock and fifty-two minutes a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in all absent members.

#### Further Proceedings Under Call of the Assembly Dispensed With.

At eleven o'clock and fifty-three minutes a.m., on motion of Mr. Tenney, further proceedings under call of the Assembly were dispensed with.

Assembly Joint Resolution No. 1 adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, Phillips, Robertson, Sawalisch, Scudder, Stream, Tenney, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Williamson, Wollenberg, Yorty, and Mr. Speaker—59.

**NOES**—Atkinson, Gilbert, Hawkins, Kilpatrick, Pelletier, Reaves, Richie, and Rosenthal—8.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

#### Explanation of Vote on Assembly Joint Resolution No. 1.

We, the undersigned, vote "No" on Assembly Joint Resolution No. 1 because we favor the suppression by law of criminal acts, and of acts alone. We deplore subversive activities inimical to democracy by any group or groups of persons, but we recognize as a law of history and of human nature that ideas as distinguished from acts can not be suppressed. The present resolution is so vague and sweeping in scope that it contributes to a growing and dangerous spirit of hysteria, and in practical effect could only suggest to Congress legislation for the suppression of ideas—something unconstitutional, impracticable, and dangerous to democracy.

PAUL RICHIE.  
BEN ROSENTHAL.  
VERNON KILPATRICK.

#### Guests Extended Privilege of Assembly Floor.

On request of Mr. Call, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Henriette Henry of Los Angeles.

#### Adjournment.

At eleven o'clock and fifty-nine minutes a.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until ten o'clock a.m., Tuesday, May 14, 1940.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**

FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION

---

**ASSEMBLY DAILY JOURNAL**

---

SECOND LEGISLATIVE DAY  
SECOND CALENDAR DAY

---

**IN ASSEMBLY**

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ASSEMBLY CHAMBER,

SACRAMENTO, Tuesday, May 14, 1940

At ten o'clock a.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

**Roll Call.**

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—77.

Quorum present.

**Prayer.**

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

**Reading of the Journal Dispensed With.**

On motion of Mr. Dills, the further reading of the Journal of Monday, May 13, 1940, was dispensed with.

**Leave of Absence for the Day.**

The following member was granted leave of absence for the day:

Mr. Poulson, on motion of Mr. Waters.

**Motion to Pledge Allegiance to the Flag.**

Mr. Doyle moved that the Assembly pledge allegiance to our flag each Monday morning.

Motion carried by the following vote.

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, Pelletier, Phillips, Robertson, Rosenthal, Salsman,

Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68.  
 NOES—None.

### Resolutions.

#### House Resolution No. 8.

By Mr. Turner:

In commemoration of the memory of the Honorable Robert Lincoln Patterson.

Since this body last met in special session, word has come to the Assembly of the State of California of the passing of Robert Lincoln Patterson, a former member.

Mr. Patterson was born in San Francisco on August 1, 1887. He moved to Berkeley in 1898 and received his education in the public schools and the University of California. Mr. Patterson served with distinction in the Rainbow Division during the World War. He was elected to the Assembly in 1926, reelected in 1928 and 1930 from the Forty-eighth Assembly District. During this period of outstanding public service dedicated to the cause of good and progressive government, few men have builded themselves more sincerely and effectively into the hearts of his associates than did he.

Robert Lincoln Patterson was a past president of the American Legislators Association, past State president of, and a national officer in, the Loyal Order of Moose and at the time of his passing he was a special lecturer on insurance, a field to which he had devoted many years of his life, on the faculty of the University of California.

In order that an imperishable record may be maintained for all time on the official pages of the Journal of the Assembly of the State of California, portraying the Assembly's high regard for a distinguished legislator, citizen and friend; be it

*Resolved by the Assembly of the State of California*, meeting in special session this fourteenth day of May, 1940, that this resolution be spread upon the minutes and engrossed copies of the same be forwarded by the Chief Clerk to the bereaved family of our much esteemed former colleague; and be it further

*Resolved*, That when the Assembly adjourns this day, that it do so out of respect to the late Robert Lincoln Patterson.

#### Request for Unanimous Consent.

Mr. Turner asked for, and was granted unanimous consent to consider House Resolution No. 8, at this time, without reference to committee.

House Resolution No. 8 read, and unanimously adopted.

### Introduction and Reference of Bill.

The following bill was introduced:

**Assembly Concurrent Resolution No. 1:** By Mr. Doyle—Relative to the sponsorship of a W.P.A. project to abate a dangerous nuisance.

Referred to Committee on Rules.

### Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

**Assembly Bill No. 4:** By Messrs. O'Donnell and Crowley—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Assembly Bill No. 5:** By Messrs. O'Donnell, Crowley and Burns, Michael J.—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

### Adjournment.

At eleven o'clock and twenty-five minutes a.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Robert Lincoln Patterson, a former member of the Assembly, until ten o'clock a.m., Wednesday, May 15, 1939.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY  
THIRD CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Wednesday, May 15, 1940.

At ten o'clock a. m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call.

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M. Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Hawkins, Hersinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuebel, Leonard, Lore, Lyon, Maloney, Masson, Meehan, Miller, Eleanor; Muller, George P., Millington, O'Donnell, Pelletier, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—72

Quorum present

### Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly

### Reading of the Journal Dispensed With.

On motion of Mr. Turner, the further reading of the Journal of Tuesday, May 14, 1940, was dispensed with

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Poulson, on motion of Mr. Waters.  
Mr. Phillips, on motion of Mr. Carlson  
Mr. Williamson, on motion of Mr. Cronin  
Mr. O'Day, on motion of Mr. Cronin  
Mr. Green, on motion of Mr. Cronin  
Mr. Field, on motion of Mr. Clarke

### Report of Standing Committee.

#### On Rules.

ASSEMBLY CHAMBER, SACRAMENTO, May 14, 1940

MR. SPEAKER Your Committee on Rules, to which was referred

#### House Resolution No. 7.

Respectfully reports the same back with the recommendation: Be adopted as amended.

DESMOND, Chairman

## Committee Amendment to House Resolution No. 7.

The following amendment was submitted by the committee.

## Amendment No. 1.

Strike out the entire resolution, and insert in lieu thereof the following.

## House Resolution No. 7.

By Mr. Waters:

*Resolved by the Assembly of the State of California, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite their names, and the State Treasurer is hereby directed and ordered to pay the same.*

Distance	Name	Address	Distance from county seat	Distance from county seat, miles	Mileage rate was	Distance from county seat, less	Total mileage	Amount at 5 cents per mile
1	Michael J. Burns	Emeka, Humboldt County	312	--	--	--	624	\$31 20
2	Clinton J. Fulcher	Lookout, Modoc County	324	--	44	280	560	28 00
3	John H. O'Donnell	Woodland, Yolo County	23	--	--	--	46	2 30
4	Stith Millington	Gridley, Butte County	86	--	14	72	144	7 20
5	Ernest C. Crowley	Suisun, Solano County	48	--	--	--	96	4 80
6	Allen G. Thurman	Cotati, Placer County	37	17	--	54	108	5 40
7	Chester F. Gannon	Sacramento, Sacramento County	--	--	--	--	--	--
8	Earl D. Desmond	Sacramento, Sacramento County	--	--	--	--	--	--
10	Harold F. Sawallisch	Richmond, Contra Costa County	62	22	--	84	168	8 40
11	Charles M. Weber	Stockton, San Joaquin County	48	--	--	--	96	4 80
12	James E. Thorpe	Lockeford, San Joaquin County	48	--	3	45	90	4 50
13	James M. Cassidy	Oakland, Alameda County	84	--	--	--	168	8 40
14	George P. Miller	Alameda, Alameda County	84	5	--	89	178	8 90
15	Bernard A. Sheridan	Oakland, Alameda County	84	--	--	--	168	8 40
16	Arthur W. Carlson	Piedmont, Alameda County	84	--	--	--	168	8 40
17	Henry P. Meahan	Oakland, Alameda County	84	--	--	--	168	8 40
18	James H. Phillips	Oakland, Alameda County	84	--	--	--	168	8 40
19	Gardner Johnson	Belkeley, Alameda County	84	--	1	83	166	8 30
20	Thomas A. Malone	San Francisco, San Francisco County	90	--	--	--	180	9 00
21	Joseph P. Gilmore	San Francisco, San Francisco County	90	--	--	--	180	9 00
22	George D. Collins, Jr.	San Francisco, San Francisco County	90	--	--	--	180	9 00
23	Dan Galagher	San Francisco, San Francisco County	90	--	--	--	180	9 00
24	Edward F. O'Day	San Francisco, San Francisco County	90	--	--	--	180	9 00
25	Melvin I. Cronin	San Francisco, San Francisco County	90	--	--	--	180	9 00
26	Ray Williamson	San Francisco, San Francisco County	90	--	--	--	180	9 00
27	Albert C. Wollenberg	San Francisco, San Francisco County	90	--	--	--	180	9 00
28	Robert Miller Green	San Francisco, San Francisco County	90	--	--	--	180	9 00
30	Byrl R. Salsman	Palo Alto, Santa Clara County	128	18	--	146	292	14 60
31	M. G. Del Muto	San Jose, Santa Clara County	128	--	--	--	256	12 80
32	Hugh P. Donnelly	Turlock, Stanislaus County	77	14	--	91	182	9 10
33	George A. Clarke	LeGrand, Merced County	114	15	--	129	258	12 90
34	Jacob M. Leonard	Hollister, San Benito County	173	--	--	--	346	17 30
35	Fred Weibach	Soledad, Monterey County	208	24	--	232	464	23 20
36	Hugh M. Burns	Fresno, Fresno County	169	--	--	--	338	16 90
37	S. L. Heisinger	Fresno, Fresno County	169	--	--	--	338	16 90
38	Gordon H. Garland	Woodlake, Tulare County	206	16	--	222	444	22 20
39	Alfred W. Robertson	Santa Barbara, Santa Barbara County	460	--	--	--	920	46 00
40	Roscoe W. Buisson	Fillmore, Ventura County	490	27	--	517	1034	51 70
42	Elmer E. Lore	North Hollywood, Los Angeles County	447	--	--	--	894	44 70
43	C. Don Field	Glendale, Los Angeles County	447	--	10	437	874	43 70
44	John B. Pelletier	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
45	Thomas J. Doyle	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
46	Jack B. Tenney	Inglewood, Los Angeles County	447	10	--	457	914	45 70
47	Eleanor Miller	Pasadena, Los Angeles County	447	13	--	460	920	46 00
48	T. Fenton Knight	La Canada, Los Angeles County	447	16	--	463	926	46 30
49	Lee T. Bashore	Glendora, Los Angeles County	447	26	--	473	946	47 30
51	F. Ray Bennett	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
52	Ben Rosenthal	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
53	Frederick F. Houser	Alhambra, Los Angeles County	447	9	--	456	912	45 60
54	Wilbur F. Gilbert	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
55	Vernon Kilpatrick	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
56	Norris Poulson	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
58	Frank J. Waters, Jr.	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
60	Jesse Randolph Kellems	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
61	Ernest O. Voigt	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
62	Augustus F. Hawkins	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
64	Samuel W. Yorty	Los Angeles, Los Angeles County	447	--	--	--	894	44 70
65	John W. Evans	Los Angeles, Los Angeles County	447	--	--	--	894	44 70

\* One-half return trip

District	Name	Address	Distance from county seat	Distance from county seat, motor	Distance from county seat, foot	Mileage one way	Total mileage	Amount at 5 cents per mile
66	Jack Massion	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
67	Cecil R. King	Los Angeles, Los Angeles County	447	--	--	---	894	44 70
68	Fred Reeves	San Pedro, Los Angeles County	447	23	--	470	940	47 00
69	Ralph C. Dills	Compton, Los Angeles County	447	18	--	465	930	46 50
70	Maurice E. Atkinson	Long Beach, Los Angeles County	447	22	--	469	938	46 90
72	Godfrey A. Andreas	Upland, San Bernardino County	508	22	--	530	1060	53 00
73	Gordon W. Corwin	Redlands, San Bernardino County	508	9	--	517	1034	51 70
74	Clyde A. Watson	Orange, Orange County	481	--	--	---	962	48 10
75	Thomas A. Kuchel	Anaheim, Orange County	481	7	--	488	976	48 80
76	Nelson S. Dilworth	Hemet, Riverside County	512	34	--	546	1092	54 60
77	Clarence R. Walker	Westmorland, Imperial County	661	--	22	639	1278	*31 95
78	Jeannette E. Daley	San Diego, San Diego County	573	--	--	---	1146	57 30
79	Paul A. Riehe	San Diego, San Diego County	573	--	--	---	1146	57 30
80	Charles W. Stream	Palm City, San Diego County	573	13	--	586	1172	58 60

\* One-half return trip

Name	Address	Distance from county seat	Distance from county seat, motor	Distance from county seat, foot	Mileage one way	Total mileage	Amount at 10 cents per mile
Jack Carl Greenburg	Los Angeles, Los Angeles County	447	--	--	---	894	\$89 40
David V. Oliver	Merced, Merced County	114	--	--	---	228	22 80
Wilkie Ogg	Sacramento, Sacramento County	---	--	--	---	---	---

Amendment adopted.

**Consideration of House Resolution No. 7, as Amended.**

House Resolution No. 7, as amended, read and adopted by the following vote:

AYES—Allen, Andreas, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Del Mutolo, Dills, Dilworth, Donnelly, Doyle, Fulcher, Gilbert, Hawkins, Heisinger, Johnson, Kellem, Kepple, Kilpatrick, Knight, Leonard, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Pelletier, Reeves, Richie, Rosenthal, Salsman, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—48.

NOES—None.

**Resolution.**

By Committee on Rules:

**House Resolution No. 9.**

*Resolved by the Assembly of the State of California, That Assembly Standing Rule No. 27 of this second extraordinary session, convened on May 13, 1940, is hereby amended to read as follows:*

"27. Every member actually in the Assembly Chamber when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall, after he has stated his reasons for not doing so, excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

The name of any member who refuses to vote as required by this rule after being requested by the Speaker to do so and who has not been excused from doing so shall be entered on the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed on the Journal, provided no such explanation shall exceed fifty words in length.

In addition to the entry of his name on the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker.

Censure of a member as provided by this rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or house resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed fifty words in length."

House Resolution No. 9 read, and ordered printed in the Journal.

### **Introduction and Reference of Bills.**

The following bills were reported back from the Legislative Counsel, and read first time:

**Assembly Bill No. 4: By Messrs. O'Donnell and Crowley**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation and Flood Control.

**Assembly Bill No. 5: By Messrs. O'Donnell, Crowley and Burns, Michael J.**—An act making an appropriation to the emergency fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation and Flood Control.

### **Motion to Expunge Record and Rescind Action Whereby**

#### **House Resolution No. 6 Was Adopted.**

On motion of Mr. Voigt, the record was expunged and the action rescinded whereby House Resolution No. 6 was adopted, by the following vote.

**Ayes**—Allen, Andreas, Bennett, Burns, Hugh M. Burns, Michael J. Burson, Call, Carlson, Cassidy, Clarke, Cronin, Daley, Del Muto, Desmond, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gilbert, Hawkins, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor: Miller, George P. Millington, Pelletier, Reaves, Richie, Rosenthal, Salsman, Sheridan, Stream, Thurman, Turner, Voigt, Walker, Waters, Webb, Wollenberg, and Mr. Speaker—49.

**Noes**—None.

House Resolution No. 6 ordered re-referred to Committee on Attachés.

### **Introduction and Reference of Bills.**

The following bill was introduced, and read the first time:

**Assembly Concurrent Resolution No. 2: By Mr. Collins**—Relative to rescind and annul a resolution, known as Senate Constitutional Amendment No. 9, Statutes 1939, Chapter 119, being a resolution to propose to the people of the State of California an amendment to the Constitution of the State of California by adding section 5a to Article VI thereof, relating to the judicial review of orders, decisions and determinations of administrative officers, boards or commissions.

Referred to Committee on Constitutional Amendments.

**Hon. Frederick F. Houser in the Chair.**

At ten o'clock and forty-eight minutes a.m., Hon. Frederick F. Houser, member of the Assembly from the Fifty-third District, in the chair.

### **Adjournment.**

At ten o'clock and fifty minutes a.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until one o'clock and thirty minutes p.m., Thursday, May 16, 1940.

DAVID V. OLIVER, Minute Clerk.



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

# ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY  
FOURTH CALENDAR DAY

## IN ASSEMBLY

ASSEMBLY CHAMBER,  
SACRAMENTO, Thursday, May 16, 1940.

At one o'clock and thirty minutes p m, pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kulpatrik, King, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—76.

Quorum present.

### Prayer.

Prayer was offered by Rev. Raymond Lull Bailey, Chaplain of the Assembly.

### Reading of the Journal Dispensed With.

On motion of Mr. Donnelly, the further reading of the Journal of Wednesday, May 15, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Lyon, on motion of Mr. Field

Mr. Williamson, on motion of Mr. Maloney.

### Committee Appointments.

The Speaker announced the following changes of committees in place of Mr. Peek:

Revenue and Taxation.....	C. Don Field
Conservation.....	Nelson Dilworth
Irrigation.....	Burns, Hugh M.
Public Morals.....	Williamson
Governmental Efficiency and Economy.....	Kepple
Ways and Means.....	Mrs. Daley
Judiciary General.....	Phillips, Chairman

Federal Relations.....Andreas, Chairman, in place of Phillips

### Communication.

From Southside Chamber of Commerce, Los Angeles, commending members for their stand in refusing to adopt revenue measures designed to increase or create new taxes.

### Report of Standing Committee.

#### On River Navigation, Reclamation and Flood Control.

ASSEMBLY CHAMBER, SACRAMENTO, May 15, 1940.

MR. SPEAKER: Your Committee on River Navigation, Reclamation and Flood Control, to which was referred:

**Assembly Bill No. 1.**

Respectfully reports the same back with the recommendation: Do pass as amended.  
WEBER, Chairman.

The above reported bill ordered on second reading calendar.

### Second Reading of Assembly Bills (Out of Order).

**Assembly Bill No. 1**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

#### Committee Amendments to Assembly Bill No. 1.

The following amendments were submitted by the committee:

##### Amendment No. 1.

On page 1, line 1, of the printed bill, after the words "Section 1.", insert the following: "Whereas, The Reclamation Board jointly with the California Debris Commission, pursuant to Chapter 176 of the Statutes of 1925, has adopted a construction program for the units of the Sacramento River Flood Control Project consisting of levee construction and repair along the Feather and Sacramento Rivers and their tributaries and along the Sutter By-pass and the Yolo By-pass, and providing for the acquisition of lands, rights of way, easements, and flowage easements and for incidental construction and for the administration and overhead of The Reclamation Board, all in accordance with the provisions of Chapter 918, Statutes of 1937, and of the purposes as set out in Item 206 of section 2 of the Budget Act of 1939."

##### Amendment No. 2.

On page 1, lines 7 and 8, of the printed bill, strike out the words "during the ninety-first and ninety-second fiscal years."

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

### Withdrawal and Re-reference of Assembly Bill No. 1.

On motion of Mr. Millington, Assembly Bill No. 1 was withdrawn from the calendar and re-referred to the Committee on Ways and Means.

### Senate Message.

SENATE CHAMBER, SACRAMENTO, May 16, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Senate Concurrent Resolution No. 1**—Relative to calling upon the Governor to permit well considered, comprehensive legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by other causes.

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

#### Request for Unanimous Consent.

Mrs. Daley asked for unanimous consent to take up Senate Concurrent Resolution No. 1, at this time, without reference to committee or calendar.

Mr. Atkinson withheld his consent.

**Motion for Temporary Suspension of the Rules.**

Mrs. Daley moved that the Rules be temporarily suspended for the purpose of considering Senate Concurrent Resolution No. 1 at this time. The roll was called.

**Call of the Assembly.**

Pending the announcement of the vote, Mrs. Daley moved a call of the Assembly.

The Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion carried by the following vote:

**AYES**—Allen, Andreas, Bashore, Burson, Carlson, Clarke, Corwin, Cronin, Daley, Dilworth, Doyle, Field, Fulcher, Gallagher, Gilmore, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—45.

**NOES**—Atkinson, Bennett, Cassidy, Collins, Del Mutolo, Dills, Donnelly, Gilbert, Kilpatrick, Lore, Massion, O'Donnell, Pelletier, Reaves, Richie, Robertson, and Rosenthal—17.

Time, one o'clock and fifty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

**Further Proceedings Under Call of the Assembly Dispensed With.**

At two o'clock and twenty-five minutes p.m., on motion of Mr. Field, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and the motion for the temporary suspension of the Rules lost by the following vote:

**AYES**—Allen, Bashore, Burson, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—44.

**NOES**—Andreas, Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Massion, Meehan, Miller, George P., O'Day, O'Donnell, Pelletier, Reaves, Richie, Robertson, and Rosenthal—30.

Senate Concurrent Resolution No. 1 referred to the Committee on Rules.

**Notice of Motion to Withdraw Assembly Bill No. 5 from Committee.**

Mr. O'Donnell gave notice that on the next legislative day he would move to withdraw Assembly Bill No. 5 from the Committee on River Navigation, Reclamation and Flood Control, and have it placed on the calendar.

**The Speaker Pro Tempore in the Chair.**

At two o'clock and twenty-six minutes p.m., Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

**Resolutions.****House Resolution No. 10.**

By Mr. Hawkins:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant upon the Contingent Expense Fund of the Assembly in favor of Jack Carl Greenburg, Chief Clerk, and the State Treasurer is hereby directed to pay the same, in the sum of \$150, said amount being for the payment of postage, telegraphing, expressage, illuminating resolutions, and incidental expenses of the Chief Clerk's office.

**Request for Unanimous Consent.**

Mr. Hawkins asked for, and was granted, unanimous consent to take up House Resolution No. 10, at this time, without reference to committee.

House Resolution No. 10 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Lore, Maloney, Massion, Miller, Eleanor; Miller, George P., O'Day, O'Donnell, Pelletier, Phillips, Poulson, Reaves, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weybret, Wollenberg, and Yorty—63.

**NOES**—None.

**House Resolution No. 11.**

By Mr. Hawkins:

*Resolved*, That the State Controller is hereby authorized and directed to draw his warrant in favor of the Chief Clerk of the Assembly in the sum of ten dollars (\$10), to be used as the post-office revolving fund, and the Treasurer is hereby directed to pay the same.

**Request for Unanimous Consent.**

Mr. Hawkins asked for, and was granted, unanimous consent to take up House Resolution No. 11, at this time, without reference to committee.

House Resolution No. 11 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Del Mutolo, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilbert, Gilmore, Green, Hawkins, Heisinger, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; O'Day, Pelletier, Phillips, Poulson, Reaves, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Walker, Waters, Watson, Weybret, Wollenberg, and Yorty—56

**NOES**—None

**House Resolution No. 12.**

By Miss Miller and Messrs. Houser, Knight, Scudder, Allen, Atkinson, King, Evans, Kepple, Tenney, Waters, Yorty, Carlson, Watson, Johnson, Clarke, Green, Field, Dilworth, Kuchel and Massion:

Relating to the illness of Mrs. Jesse Randolph Kellems.

**WHEREAS**, The members of the Assembly have learned with sorrow of the illness of the beloved wife of our esteemed colleague, Jesse Randolph Kellems; and

**WHEREAS**, It is the earnest prayer and the heartfelt desire of every member of the Assembly that her illness may be of short duration and her recovery swift and complete; now, therefore, be it

*Resolved by the Assembly of the State of California*, That the Assembly does hereby extend its very sincere sympathy to both Mr. and Mrs. Kellems; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to send flowers to Mrs. Kellems, and to transmit to her a suitably engrossed copy of this expression of sympathy and good wishes

**Request for Unanimous Consent.**

Miss Miller asked for, and was granted, unanimous consent to take up House Resolution No. 12, at this time, without reference to committee.

House Resolution No. 12 read, and adopted unanimously..

**Report of Standing Committee.****On Rules.**

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

**Senate Concurrent Resolution No. 1.**

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman.

The above reported bill ordered on the calendar.

### Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

**Assembly Bill No. 6: By Messrs. Crowley, Call, Allen and O'Donnell**—An act to amend the title and sections 1, 2, 7, and 8 of, to repeal sections 9, 10 and 11 of, and to add sections 9 and 10 to an act entitled "An act to establish a board to be known as the Rector Dam Authority: to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters; authorizing the Department of Public Works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts," approved July 9, 1935, relating to the Rector Dam Authority, changing the membership, powers, and duties thereof, prescribing the duties of the Department of Public Works in relation thereto, and making an appropriation therefor.

**Assembly Bill No. 7: By Mr. Crowley**—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

**Assembly Bill No. 8: By Messrs. Evans and Atkinson**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Assembly Bill No. 9: By Messrs. Atkinson, Tenney and Reaves**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

### Introduction and Reference of Bills.

The following bills were reported back from the Legislative Counsel Bureau, and read the first time:

**Assembly Bill No. 6: By Messrs. Crowley, Call, Allen and O'Donnell**—An act to amend the title and sections 1, 2, 7, and 8 of, to repeal sections 9, 10 and 11 of, and to add sections 9 and 10 to an act entitled "An act to establish a board to be known as the Rector Dam Authority: to prescribe its duties, powers, functions and jurisdiction, to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters; authorizing the Department of Public Works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts," approved July 9, 1935, relating to the Rector Dam Authority, changing the membership, powers, and duties thereof, prescribing the duties of the Department of Public Works in relation thereto, and making an appropriation therefor.

Referred to Committee on River Navigation, Reclamation and Flood Control.

**Assembly Bill No. 7: By Mr. Crowley**—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control

**Assembly Bill No. 8: By Messrs. Evans and Atkinson**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate

and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control.

**Assembly Bill No. 9: By Messrs. Atkinson, Tenney and Reaves**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act for 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control.

**Assembly Concurrent Resolution No. 3: By Mr. Evans and Mrs. Daley**—Relative to the "I am an American" panegyric.

Referred to Committee on Rules.

### Recess.

At two o'clock and twenty-eight minutes p.m., on motion of Mr. Desmond, the Assembly was declared at recess until the hour of four o'clock and thirty minutes p.m.

### Reassembled.

At four o'clock and thirty minutes p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair

### Third Reading of Senate Bill.

**Senate Concurrent Resolution No. 1**—Relative to calling upon the Governor to permit well considered, comprehensive legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by other causes.

Bill read, and adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Dilworth, Doyle, Field, Fulcher, Gannon, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor; Millington, Phillips, Poulson, Reaves, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—46.

**NOES**—Atkinson, Bennett, Burns, Michael J., Cassidy, Collins, Del Mutolo, Dills, Donnelly, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Masson, Meehan, O'Day, O'Donnell, Pelletier, Richie, Robertson, and Rosenthal—24.

Title read and approved. Bill ordered transmitted to the Senate.

### Report of Standing Committees (Resumed).

#### On Conservation.

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1940.

MR. SPEAKER: Your Committee on Conservation, to which was referred:

**Assembly Bill No. 2.**

Respectfully reports the same back with the recommendation: Do pass as amended

KNIGHT, Chairman.

The above reported bill ordered on second reading calendar.

### Second Reading of Assembly Bill (Out of Order).

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

#### Committee Amendments to Assembly Bill No. 2.

The following amendments were submitted by the committee:

#### Amendment No. 1.

On page 1 of the printed bill, strike out lines 6 and 7, and insert in lieu thereof the following: "tion and suppression, during the 91st and 92d fiscal years."

**Amendment No. 2.**

On page 1 of the printed bill, between lines 7 and 8, insert the following:

"In the event that the regulations governing the Civilian Conservation Corps again should permit the use of enrollees for first attack fire suppression purposes, the unencumbered balance of this appropriation shall thereupon revert to the General Fund."

**Amendment No. 3.**

On page 1, line 2, of the printed bill, strike out "\$883,608 50" and insert in lieu thereof the following: "\$430,315 00".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

**Report of Standing Committees (Resumed).****On Engrossment and Enrollment.**

ASSEMBLY CHAMBER, SACRAMENTO, May 16, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined:

**Assembly Bill No. 1.**

And reports the same correctly engrossed.

CASSIDY, Chairman.

**Re-reference of Assembly Bill No. 1.**

On motion of Mr. Millington, Assembly Bill No. 1 was re-referred to the Committee on Ways and Means.

**Guests Extended Privilege of Assembly Floor.**

On request of Mr. Burns, Hugh M., the privilege of the floor of the Assembly Chamber for this day was unanimously extended to William Leviatt and Cecil Gordon of Fresno.

**Adjournment.**

At four o'clock and fifty-five minutes p.m., on motion of Mr. Leonard, the Speaker declared the Assembly adjourned this day until one o'clock and thirty minutes p.m., Friday, May 17, 1940.

DAVID V. OLIVER, Minute Clerk.





**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY  
FIFTH CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Friday, May 17, 1940.

At one o'clock and thirty minutes p m, pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Butson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, O'Donnell, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker —68.

Quorum present.

### Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary Church Council of Sacramento, Guest Chaplain of the Assembly.

### Reading of the Journal Dispensed With.

On motion of Mr. Corwin, the further reading of the Journal of Thursday, May 16, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Evans, on motion of Mr. Doyle.

Mr. Sheridan, on motion of Mr. Leonard.

Mr. Miller, on motion of Mr. Johnson.

Mr. Kilpatrick, on motion of Mr. Bashore.

Mr. Atkinson, on motion of Mr. Dills.

Mr. Del Mutolo, on motion of Mr. Leonard.

Mr. Williamson, on motion of Mr. Cronin.

Mr. Richie, on motion of Mr. Dills.

Mr. Gannon, on motion of Mr. Millington.

Mr. Phillips, on motion of Mr. Carlson.

## Reports of Standing Committees.

### On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: **Assembly Bill No. 2.**

And reports the same correctly engrossed.

CASSIDY, Chairman.

### Re-reference of Assembly Bill No. 2.

On motion of Mr. Knight, Assembly Bill No. 2 was re-referred to the Committee on Ways and Means.

### On Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred: **Assembly Bill No. 1.**

Respectfully reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman.

The above reported bill ordered on second reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred: **Assembly Bill No. 2.**

Respectfully reports the same back with the recommendation: Do pass, as amended.

MILLINGTON, Chairman.

The above reported bill ordered on second reading calendar.

## Second Reading of Assembly Bills (Out of Order).

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

### Committee Amendments to Assembly Bill No. 2.

The following amendments were submitted by the committee:

#### Amendment No. 1.

On page 1, line 8, of the printed bill, as amended, strike out "ninety-first and".

#### Amendment No. 2.

On page 1, line 9, of the printed bill, as amended, strike out "years", and insert in lieu thereof the following: "year".

#### Amendment No. 3.

On page 1, line 2, of the printed bill, strike out the word "dollars".

Amendments adopted.

Bill read second time, ordered to reprint, and engrossment.

## Resolution.

### House Resolution No. 13.

By Mr. Thurman:

WHEREAS, The Thirteenth Annual International Jumping Frog Jubilee is now being celebrated in Angels Camp; and

WHEREAS, This celebration will continue until its culmination on Sunday, May 19, 1940, with contests exhibiting the skill and culture of the pioneer West; and

WHEREAS, These jubilees have come to be recognized as an annual reminder of the perpetual youth of the Mother Lode, and

WHEREAS, It is proper to honor the fanciers and the protectors of California jumping frogs; and

WHEREAS, Contests exhibiting the skill and culture of the pioneer West elicit the admiration of all our citizens; now, therefore, be it

*Resolved by the Assembly of the State of California*, That this body extend its heartiest felicitations to the city of Angels Camp and the county of Calaveras for this yearly festival of camaraderie and good spirit; and be it further

*Resolved*, That as many members of this Assembly and their families attend the celebration as find it possible so to do.

### Request for Unanimous Consent.

Mr. Thurman asked for, and was granted, unanimous consent to consider House Resolution No. 13, at this time, without reference to committee.

House Resolution No. 13 read, and adopted

### Presentation of Bills for Introduction.

The following bills were presented for introduction and referred to the Legislative Counsel Bureau:

**Assembly Bill No. 10: By Mr. Clarke**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Merced and Madera counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

**Assembly Bill No. 11: By Messrs. Atkinson, Reaves, Kellems, Voigt and Tenney**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

### Recess.

At one o'clock and fifty-five minutes p.m., on motion of Mr. Stream, the Assembly was declared at recess until the hour of two o'clock p.m., for the purpose of introducing members of the Mission Tribe of Indians of California.

### Reassembled.

At 2 o'clock p.m., the Assembly reconvened.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.

### Third Reading of Assembly Bills.

**Assembly Bill No. 1**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

### Consideration of Urgency Clause.

Urgency clause read.

The roll was called.

### Call of the Assembly.

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly. Motion carried. Time, 2 o'clock and twenty-six minutes p.m. The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

### Further Proceedings Under Call of the Assembly Dispensed With.

At two o'clock and twenty-seven minutes p.m., on motion of Mr. Desmond, further proceedings under the call of the Assembly were dispensed with.

The roll of absentees was called, and the urgency clause to Assembly Bill No. 1 refused adoption by the following vote:

**AYES**—Allen, Andreas, Bashore, Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor, Millington, O'Donnell, Robertson, Salsman, Sawalisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—46.

**NOES**—Bennett, Burns, Hugh M. Burns, Michael J., Cassidy, Collins, Crowley, Dills, Donnelly, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Lore, Massion, Meehan, O'Day, Pelletier, Reaves, and Rosenthal—20.

### Resolution.

### House Resolution No. 14.

By Mr. Bashore:

WHEREAS, Large quantities of scrap iron are now being collected in this State and exported to foreign countries; and

WILLIAMS, In the present chaotic condition of world affairs, it is essential that materials such as scrap iron, be conserved for possible use by the Government of the United States; and

WHEREAS, The establishment of community yards for the collection of scrap iron would be an immediate practical step toward enabling the people of the State of California to furnish such scrap iron to the Government of the United States; now, therefore, be it

*Resolved by the Assembly of the State of California*, That this body recommends to the city councils and the boards of supervisors of the cities, cities and counties and counties of this State that they make available to the people at convenient and accessible places, municipal and community yards for the collection and preservation of scrap iron; and, be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to forward copies of this resolution to the several city councils and the boards of supervisors of the said cities, cities and counties and counties.

House Resolution No. 14 referred to Committee on Rules

### **Notice of Motion to Reconsider Urgency Clause to Assembly Bill No. 1.**

Mr. Millington gave notice that on the next legislative day he would move to reconsider the vote whereby the urgency clause to Assembly Bill No. 1 was this day refused passage.

#### **Motion for Temporary Suspension of the Rules.**

Mr. Millington moved that the Rules be temporarily suspended for the purpose of considering urgency clause to Assembly Bill No. 1 at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Allen, Andreas, Bashore, Bennett, Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Green, Houser, Johnson, Kellem, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Donnell, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—46.

NOES—Burns, Michael J., Cassidy, Collins, Dills, Donnelly, Gallagher, Gilbert, Gilmore, Hawkins, Heisinger, Lore, Massion, Meehan, O'Day, Pelletier, Reaves, Robertson, and Rosenthal—18

#### **Reconsideration of Urgency Clause to Assembly Bill No. 1.**

In compliance with a notice given, Mr. Millington moved that the vote whereby the urgency clause to Assembly Bill No. 1 was refused passage be reconsidered.

Urgency clause to Assembly Bill No. 1 reconsidered by the following vote:

AYES—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Green, Houser, Johnson, Kellem, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Donnell, Robertson, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—48.

NOES—Bennett, Burns, Michael J., Cassidy, Collins, Dills, Donnelly, Gallagher, Gilmore, Heisinger, Lore, Massion, O'Day, Pelletier, Reaves, and Rosenthal—15.

The question being on the adoption of the urgency clause to Assembly Bill No. 1.

The roll was called.

#### **Call of the Assembly.**

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried Time, two o'clock and twenty-eight minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.****Resolution.**

House Resolution No. 15.

By Mr. Stream:

WHEREAS, The Indians of California have claims pending against the government of the United States based upon certain treaties signed in 1851 and 1852; and

WHEREAS, If the pending claims can be settled at the earliest possible date many Indians in California will be removed from the relief rolls, with a consequent saving to the taxpayers of this State; and

WHFREAS, To accomplish this result it will be necessary to repeal section 8025 of the Welfare and Institutions Code; now, therefore, be it

*Resolved by the Assembly of the State of California*, That it hereby respectfully urges His Excellency, Culbert L. Olson, the Governor of the State of California, that if he should issue a future proclamation for the convening of the Legislature in special session that he consider the inclusion as one of the items on such proclamation the subject of considering the application of section 8025 of the Welfare and Institutions Code; and be it further

*Resolved*, That a copy of this resolution be delivered immediately by the Chief Clerk of the Assembly to His Excellency, Culbert L. Olson, the Governor of the State of California.

House Resolution No. 15 referred to Committee on Rules.

**Introduction and Reference of Bills.**

The following bills were reported back from the Legislative Counsel Bureau, and read first time:

**Assembly Bill No. 10: By Mr. Clarke**—An act making an appropriation to the Department of Public Works for the cost of repair or restoration of property damaged or destroyed by storms and floods and to avert, alleviate and prevent such damage and destruction in Merced and Madera counties, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control.

**Assembly Bill No. 11: By Messrs. Atkinson, Reaves, Kellems, Voigt and Tenney**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate and prevent such damage and destruction, declaring the urgency thereof, and providing that this act shall take effect immediately.

Referred to Committee on River Navigation, Reclamation and Flood Control.

**Report of Standing Committee.****On Rules.**

ASSEMBLY CHAIRMAN, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

**Assembly Concurrent Resolution No. 1.**

Respectfully reports the same back with the recommendation: Be adopted as amended.

DESMOND, Chairman

The above reported bill ordered on second reading calendar.

**Second Reading of Assembly Bills (Out of Order).**

**Assembly Concurrent Resolution No. 1**—Relative to the sponsorship of a WPA project to abate a dangerous nuisance.

**Committee Amendments to Assembly Concurrent Resolution No. 1.**

The following amendments were submitted by the committee:

**Amendment No. 1.**

In lines 2 and 3 of the title of the printed measure, strike out "to abate a dangerous nuisance", and insert in lieu thereof the following: "to improve the Dorchester ditch".

**Amendment No. 2.**

On page 1, line 5, of the printed measure, after "channel", insert the following: "known as the Dorchester ditch".

**Amendment No. 3.**

On page 1, line 6, of the printed measure, after "this", insert the following: "ditch is a".

**Amendment No. 4.**

On page 1, line 7, of the printed measure, after "time," insert the following: "and".

**Amendment No. 5.**

On page 1 of the printed measure, strike out lines 17 to 23, inclusive, and insert in lieu thereof the following: "to study and consider the advisability of seeking the approval of a WPA project to improve this ditch and eliminate this hazard; and be it further

*Resolved*, That the Relief Commission and the Relief Administrator are urged and requested to study and consider the advisability of making all or a part of the sponsor's contribution to this project; and be it further".

**Amendments adopted.**

Bill read second time, ordered to reprint, and engrossment.

**Further Proceedings Under Call of the Assembly Dispensed With.**

At two o'clock and twenty-eight and one-half minutes p.m., on motion of Mr. Desmond, further proceedings under the Call of the Assembly were dispensed with.

Urgency clause to Assembly Bill No. 1 refused adoption by the following vote:

**AYES**—Allen, Andreas, Bashore, Burns, Hugh M., Burson, Call, Carlson, Clarke, Corwin, Cronin, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Donnell, Poulson, Robertson, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—49.

**NOES**—Bennett, Burns, Michael J., Cassidy, Collins, Crowley, Dills, Donnelly, Gallagher, Gilbert, Gilmore, Heisinger, Lore, Massion, O'Day, Pelletier, Reaves, and Rosenthal—17.

**Report of Standing Committee.****On Rules.**

ASSEMBLY CHAMBER, SACRAMENTO, May 17, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred.

**Assembly Concurrent Resolution No. 3.**

**House Resolution No. 15.**

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman.

**Request for Unanimous Consent.**

Mrs. Daley asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 3, at this time, without reference to calendar, and that the same be considered engrossed.

**Consideration of Assembly Concurrent Resolution No. 3.**

**Assembly Concurrent Resolution No. 3**—Relative to the "I am an American panegyric."

Assembly Concurrent Resolution No. 3 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, Pelletier, Poulson, Reaves, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—65

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Request for Unanimous Consent.**

Mr. Stream asked for, and was granted, unanimous consent to consider House Resolution No. 15, at this time, without reference to calendar.

House Resolution No. 15 read, and adopted.

**Resolutions.****House Resolution No. 16.**

By Mr. Desmond:

*Resolved by the Assembly of the State of California*, That newspaper representatives, business representatives and legislative representatives heretofore accredited to the Assembly of the State of California during the first extraordinary session of the Fifty-third Legislature commencing January 29, 1940, are hereby declared to be accredited newspaper representatives, business representatives and legislative representatives to the Assembly of the State of California for the second extraordinary session of the Fifty-third Legislature commencing May 13, 1940.

**Request for Unanimous Consent.**

Mr. Desmond asked for, and was granted, unanimous consent to consider House Resolution No. 16, at this time, without reference to committee.

House Resolution No. 16 read, and adopted.

**House Resolution No. 17.**

By Messrs. Lore, Houser and Field:

*Relating to the passing of Mrs. John Steven McGroarty.*

WHEREAS, Ida Lubrecht McGroarty, beloved wife of John Steven McGroarty, Poet Laureate of this Commonwealth and one of its former representatives to the National Congress, has passed to sacred eternity; and

WHEREAS, Mrs. McGroarty was beloved by all of the many persons throughout this State and the Nation who had come to know, love, and respect her; and

WHEREAS, The passing of Mrs. McGroarty leaves the people of the State of California deeply cognizant of the loss they have sustained in their civic, cultural, and secular activities; now, therefore, be it.

*Resolved by the Assembly of the State of California*, That this record be spread upon the minutes of this house to record for all time the affection felt for Mrs. McGroarty by its members and their deep sense of sorrow at this time; and be it further

*Resolved*, That when the Assembly adjourns this day, it do so out of respect to the late Mrs. John Steven McGroarty, and be it further

*Resolved*, That this resolution be spread upon the minutes and copies of the same be forwarded by the Chief Clerk to the family of Mrs. McGroarty.

**Request for Unanimous Consent.**

Mr. Lore asked for, and was granted, unanimous consent to consider House Resolution No. 17, at this time, without reference to committee.

House Resolution No. 17 read, and adopted

**Guests Extended Privilege of Assembly Floor.**

On request of the Alameda delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Superior Court Judge James Quinn.

On request of Messrs. Thurman and Clarke, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. William Bigelow of Big Pine.

On request of Mr. O'Day, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following named members of the Foresters of America: Cyprien Palu, Leo De Toy, B. Thomsen, Peter Becker, treasurer of Court California; Raymond Seyden, Louis Brown, Paul Cruciani, chief ranger of Court California; Fred Miller, secretary of Court California; and James J. Ryan, former member of Assembly, all of San Francisco.

On request of Mr. Maloney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following named members of the Foresters of America: Dell Eden, Lillian O'Leary and Rose Merrill, all of San Francisco.

On request of Mr. Field, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Harry V. Brown of Glendale, and Mrs. C. E. Schoff of Sacramento.

On request of Mr. Leonard, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Helen Lawson of Sausalito and Mrs. Mae Dooling of Hollister.

### **Adjournment.**

At two o'clock and twenty-nine minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day out of respect to the memory of Mrs. John Stevens McGroarty, late wife of Poet Laureate, until one o'clock and thirty minutes p.m., **Monday, May 20, 1940.**

DAVID V. OLIVER, *Minute Clerk.*



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY  
EIGHTH CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Monday, May 20, 1940.

At one o'clock and thirty minutes p m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellem, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present.

### Prayer.

Upon invitation of the Speaker, prayer was offered by Rabbi Norman M. Goldburg.

### Pledge to the Flag.

Pursuant to a previous motion by Mr. Doyle, the Assembly pledged allegiance to the Flag of the United States of America.

### Reading of the Journal Dispensed With.

On motion of Mr. Fulcher, the further reading of the Journal of Friday, May 17, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Gallagher, on motion of Mr. Maloney.

Mr. O'Day, on motion of Mr. Maloney.

Mr. Gannon, on motion of Mr. Doyle

## Report of Standing Committee.

### On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 20, 1940.

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined:  
**Assembly Bill No. 2.**

**Assembly Concurrent Resolution No. 1.**

And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bills ordered on third reading calendar.

### Motion to Expunge Record and Rescind Action on Urgency Clause to Assembly Bill No. 1.

Mr. Lyon moved to expunge the record and rescind the action whereby the urgency clause to Assembly Bill No. 1 was refused adoption.

#### Point of Order.

Mr. Burns, Michael J., rose to the point of order that we had not reached the point of motions and resolutions on the daily calendar.

The Speaker ruled the point of order not well taken.

The question being on the original motion by Mr. Lyon.

Record expunged and the action rescinded on the urgency clause to Assembly Bill No. 1 by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burson, Call, Carlson, Clarke, Cronin, Crowley, Daley, Desmond, Dilworth, Doyle, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor; Millington, Phillips, Poulson, Robertson, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—49.

NOES—Bennett, Burns, Michael J., Cassidy, Del Mutolo, Dills, Donnelly, Gilbert, Gilmore, Hessinger, King, Lote, Meehan, Miller, George P., O'Donnell, Pelletier, Richie, and Rosenthal—17.

Assembly Bill No. 1 ordered placed on third reading calendar.

## Message from the Governor

STATE OF CALIFORNIA, GOVERNOR'S OFFICE,

SACRAMENTO, May 20, 1940.

*To the Honorable Members of the Senate and of the Assembly*

GREETINGS I have given due, careful and respectful consideration to Senate Concurrent Resolution No. 1, adopted by a majority of both houses on May 16, 1940, requesting that I call a special session under a proclamation which will enable the Legislature to consider and act upon legislation for the relief of hardship and destitution, whether resulting from unemployment or from any other causes.

I also have duly considered a request from a majority of your Joint Legislative Fact-Finding Committee on Employment, to issue a call for a special session that will enable the Legislature to consider and act upon a proposed bill which, for the purpose of printing and circulation, was introduced in the Senate on May 16, 1940, as Senate Bill No. 86.

I have also carefully considered the provisions of this measure, together with the report and recommendations made to the Legislature by said committee on May 13, 1940, in pursuance of which this proposed bill was drafted.

Under the proclamation calling your special session which began January 29th, the Legislature is authorized to consider and act upon legislation providing for an appropriation of funds for the relief of hardship and destitution due to and caused by unemployment, to be expended by the Relief Administrator and the Relief Commission in accordance with the provisions of the California Unemployment Relief Act of 1935 for the relief of persons qualifying thereunder. No further proclamation is, therefore, needed to enable the Legislature to provide for the relief of hardship and destitution resulting from unemployment.

Assuming that your resolution was intended to request a proclamation convening another special session to enable the Legislature to act upon the proposed measure above mentioned, I make this reply to that request and to the informal request made to me personally by the majority of the members of the joint committee.

When this committee's request was presented, I advised its members that I would not be inclined to convene another special session for the consideration of new legis-

lation upon the subject of unemployment relief, unless the new legislation proposed under such a call was such that I would not feel it my duty to veto if enacted.

As stated, I have analyzed the measure proposed to be enacted, which has been put in printed form as Senate Bill No. 86. I find that it is a measure which I would consider it my duty to veto if it were passed by any session authorized to enact it. I, therefore, can not accede to the request to call a session for the purpose of enacting this proposed bill, without placing myself in the inconsistent position of impliedly recommending it and then vetoing it if adopted.

Furthermore, I find its concept and specific provisions so at variance with my convictions and policies regarding legislation on the subjects of the bill that I see no possibility of a compromise measure being agreed upon. And if a compromise measure were possible, considering the time required for the special session, the uncertainties of such a compromise, and the fact that in all probability it could not become effective until two or three months before a new Legislature shall meet in regular session, it seems to me that it would be impractical, if not wholly futile, to comply with your request.

I wish that I could be given the time within which to fully point out in this communication all of the objections and reasons that I have for disapproving this proposed measure. But I must consider the importance to you of an immediate answer to your request, and also the fact that you may be more concerned in whether I shall comply with that request, than in the reasons for my action.

However, without attempting to go fully into a discussion of the provisions of the bill, or its objectives and specific provisions, I do wish to briefly record in this communication a few general and fundamental objections thereto.

The whole concept of the bill and its specific provisions are, it seems to me, contrary to the following preliminary observations made in the recommendations of the members of the Joint Legislative Fact-Finding Committee on Employment, at whose request it was introduced:

"The complexity of the situation (unemployment) and the rapidity with which it has grown to be the major problem in California, have resulted in what can only be called muddled thinking. We have lost sight of basic principles. Constant reiteration of the gravity of the relief situation has obscured the fact that relief is a single phase of the problem of unemployment.

Removing the long recognized relief difficulties would leave the unemployment problem still unsolved. Removing unemployment, on the other hand, would eliminate much of the need for relief, except for indigency due to old age; the loss of one or both parents; disease, and similar conditions preventing self-support.

The committee emphasizes that the major question with which the legislature has to deal is the problem of unemployment."

With that preliminary observation I fully agree; but for the same reasons I disagree with the bill proposed by the majority members of this same committee, because it seems to be only a product of muddled thinking; that it has lost sight of basic principles; that it ignores the fact that relief is a single phase of the problem of unemployment; and that it provides no means for the solution of that problem.

The proposed measure would create a Department of Employment to which would be transferred all of the powers and duties of the Relief Commission, Relief Administrator, the Department of Social Welfare, the Social Welfare Board, the Director of the Department of Social Welfare, the State Department of Employment and the California Employment Commission.

Yet it is not an employment measure. It is a measure intended only to transfer the administration of the dole system of relief from the State to the counties, to be integrated with county administration of social welfare aids to the aged, the blind, and dependent children, with State subventions of two-thirds of the cost.

Consolidation, disorganization or reorganization of State departments or agencies or the transfer of State administrative functions to county administration will not make work or provide employment. Employment can only be provided by creating work that does not now exist.

The kind of work that must be provided for the unemployed, if the relief and tax burden is to be reduced, must be self-respecting, decently paid, useful, wealth-producing and, most important, self-sustaining work. Under this proposed measure no such works program can be planned and carried forward.

Among the many glaring inconsistencies contained in this proposed measure are its provisions regarding a works program. Section 70 reads as follows:

"Money available for a works program from any general relief appropriation may be used for all or any of the following purposes:

(a) For materials, equipment, tools, personnel, supervision, time keeping, transportation and administration for the projects.

(b) For rural relief and rehabilitation, including the establishment and operation of camps.

- (c) For aid to self-help cooperative organizations and associations.
- (d) For the construction, reconstruction, replacement or repair of public roads, public buildings, public works and other permanently useful public improvements.
- (e) For the production or processing of consumable goods and commodities exclusively for the use of persons receiving relief.
- (f) For forest fire protection and prevention.
- (g) For the elimination, abatement and prevention of and protection against deleterious physical conditions including but not limited to weed abatement, mosquito control, swamp drainage.
- (h) For the conservation of natural resources."

Yet section 80 of the proposed bill says that not more than three per cent of the money made available for unemployment relief shall be expended for these purposes of a Works Program and for the administrative costs of the department and of the counties applicable thereto.

Under section 72 of the proposed bill, no money (not even any of the three per cent) could be expended on a works program without the consent of the counties in the matching of funds.

The proposed bill from a purely administrative standpoint would cause greater confusion than has ever prevailed in the administration of unemployment relief and social welfare aid. Some of its sections are not susceptible of enforcement and administration. Some of the provisions are of doubtful constitutionality and it would take months to iron out its contradictions and discrepancies and mold it into a workable measure.

A program for useful, productive and self-sustaining work, to be comprehensive, permanent and successful and give promise of getting away from the expensive and demoralizing dole system, could not regard county lines. Work could not be instituted and administered by fifty-eight separate county unemployment relief administrations. And the distribution of unemployment relief does can not possibly be more effective nor less expensive than a State-wide plan. State supervision is required at least for the supervision of apportionment of funds, the disbursement of money, the audit of expenses, the settling of eligibility standards, the application of uniform practices, the equalization of subsistence budgets, the operation of single men's camps, and the maintenance of the Federal stamp plan. This type of essential State supervision which must necessarily remain is costly if properly exercised, and the cost of this administration must be provided for in addition to the funds made available for relief and county administrative expenses under any such plan as is proposed in this bill.

Whatever may be said for the integration of administration of dole and cash benefits to purely social welfare cases, that is, to unemployable indigents, I can see no sense in placing among the social welfare aids employable persons able and willing to work and for whom work can and should be provided. It seems to me that if relief applicants who are unemployable are to be segregated from those who are capable of performing useful work and services, that segregation should be made through a State Department of Employment engaged in carrying forward a comprehensive works program as the primary purpose of unemployment relief. The distinction between employables and unemployables must be made no matter what criteria are applied. That fact is recognized in the experience of the administration of the Employment Department.

The provisions of the proposed bill generally do not recognize the basic differences in the concept, character and handling of relief as contrasted with employment service and insurance. The bill fails to recognize the standards of the employment service such as placement of workers on the basis of skill, ability, experience, intelligence, personality and character of the workers seeking a job. Nowhere are accepted standards of the service, hours or working conditions recognized. In fact, the bill actually provides that public works wages shall be less than the prevailing scale. No minimum wage standards are fixed under this regressive proposal, excepting only that they should be higher than the dole. Established employment wage standards would be made to suffer.

The consolidation of the unemployment insurance and reemployment service with social aid administrations, such as is proposed in this measure, would combine services created on entirely different principles. Employment opportunities and unemployment insurance are based upon statutory rights and contractual obligations. Integrating the employment security system with social welfare aids as provided in this bill would have the tendency to undermine the employment security system set up under the Unemployment Reserves Commission. This attempt at such integration presents a question whether the State of California could continue to cooperate with the Federal Government under the Social Security Act and could continue to cooperate under the Wagner-Peyser Act. If that were made impossible, the State of California would not only lose the several million dollars now granted each year to the State for the administration of its laws, but the California Insurance Act

could not be certified for tax offset under Title IX of the Social Security Act. This would mean that California employers would be obliged to pay the full three per cent of the Federal unemployment insurance tax to the general fund in the United States treasury. In 1939, because of its failure to provide funds under the Wagner-Peyser Act, the State of South Dakota attempted to combine the public employment offices and the public assistance of county welfare offices, but the Social Security Board refused to approve the arrangement as not being acceptable under the terms of the Social Security Act. The general plan proposed in this bill was tried out in the State of Washington, a State with a program in all the departments proposed to be consolidated by this bill very much smaller than those of similar departments in California. But the State of Washington abandoned this plan of administration after two or three years of trial because it was too unwieldy to operate. The work of such a huge department immediately presents many intricate administrative problems because of the different services and different types of administration involved. The physical structure of such a department would be both cumbersome and confusing. Grants of funds would necessarily require different systems of accounting and management, added expenses of over all controls would be necessary, resulting in increase of administrative costs.

That I have not mentioned other features of this objectionable bill which I feel also justify criticism does not mean my approval of other provisions of the bill, although some may be found which taken by themselves in a proper bill would not be objectionable.

Respectfully yours,

CULBERT L. OLSON,  
Governor of California.

CLO:M.

### **Permission to Print Communication in the Journal.**

Mr. Wollenberg asked for, and was granted, permission to allow the Joint Fact-Finding Committee on Employment to print a statement in the Journal in answer to the Governor's message.

### **Answer to the Governor's Message of May 20, 1940, by the Assembly Fact-Finding Committee on Employment.**

Pursuant to the above motion, the following reply to the Governor's letter, prepared by Mr. Wollenberg, at the request of the Joint Fact-Finding Committee on Employment was ordered printed in the Journal:

It is apparent from a reading of the Governor's Message of May 20, 1940, to the Senate and Assembly, that Governor Olson is not thoroughly acquainted with the entire proposed bill drafted by the Joint Committee on Relief and known as Senate Bill No. 86. At least those persons charged with study of this proposed bill, if there were such, failed to inform Governor Olson fully as to its provisions. The message of the Governor is devoted entirely to argument seeking to refute return of relief to the counties. In fact the Governor says: "It is a measure intended only to transfer the administration of the dole system of relief from the State to the counties."

Senate Bill No. 86 is designed to accomplish for California a truly integrated program under a Department of Employment charged with the administration of the Bureau of Unemployment Insurance, State Employment Service, the various categorical aids, and unemployment relief benefits. Certainly these services of the State are all so interrelated as to fall within the scope of one administrative head. The Governor in his message has failed to recognize this important fact but rather prefers to call the bill the product of "muddled thinking." Governor Olson says, in referring to Senate Bill No. 86, "that it ignores the fact that relief is a single phase of the problem of unemployment." Contrary to this, a reading of the bill in its entirety conclusively shows the approach to the entire problem of employment in all its phases was paramount in the committees' minds. It is significant that in February of this year, the Governor vetoed another bill, purely a county control bill, on the grounds that it did not provide for a comprehensive, integrated program, as does Senate Bill No. 86.

The Governor is correct in his belief that relief does not provide, in itself, a solution to the employment problem, yet by inference he indicates it may be possible to solve this complex question by legislation; were this possible why has it not been proposed in its proper form, elsewhere, if not in California by the present Governor? Certainly if any legislation setting up an integrated problem is to be adopted it must cover all phases of the problem. If relief is the result of unemployment, then any approach having for its purpose a solution must be based on employment. Finding jobs for those on relief will, as has been many times proven, lessen the load unless we are to adopt a policy of carrying a permanently high load of dependents for the sole purpose of expanding State functions.

The Governor states that work projects have been completely curtailed, and has

fallen into error in citation of several sections of the bill; the entire program, camp management, and responsibility is left with the State as presently existing, these functions will continue regardless of county lines; the work to be done is all of a "public" nature, necessary and useful to all the people of the State. True it is not "Production for Use," nor is it work that can be of a nature competitive with private industry.

As to appropriations for work of this kind, it is apparent to any fair-minded person that costs of the actual work must be supplied for the particular projects from either available funds now in the hands of a directly interested department, or from newly appropriated funds earmarked for the specific project. Certainly if forest work or conservation work is to be done under the Forestry Department, that service must be paid for from within that department.

The Governor objects to the counties sharing in the costs of projects purely of a county nature. This is the present plan used by the Federal Government in its sponsorship requirements in WPA. Senate Bill No. 86 allows counties to set up their own work projects in addition to the State; this is to provide work for those who, because of family ties, can not be sent about the State in its Camp System, and to allow the counties to do much needed public work purely of county benefit and interest.

Rather, therefore, than curtailing work programs, Senate Bill No. 86 sets up a thoroughly comprehensive program on both State and county levels.

I do not believe this is the time or place to go into an extended discussion of "County Control"; suffice it to say that Senate Bill No. 86 provides for county administration with State supervision.

### **Introduction and Reference of Bill.**

The following bill was introduced, and read the first time:

**Assembly Concurrent Resolution No. 4: By Mr. Yorty**—Relative to the completion of a year by the air lines of this country without a major accident

#### **Request for Unanimous Consent.**

Mr. Yorty asked for, and was granted, unanimous consent to consider Assembly Concurrent Resolution No. 4, at this time, without reference to print, committee or calendar, and that the same be considered engrossed.

#### **Consideration of Assembly Concurrent Resolution No. 4.**

Assembly Concurrent Resolution No. 4 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Cronin, Crowley, Daley, Del Muto, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Gilbert, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Mehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, Yorty, and Mr. Speaker—68.

**NOES**—None.

Title read and approved. Bill ordered to print, and transmitted to the Senate.

### **Motion to Withdraw Assembly Bill No. 5 from Committee.**

In compliance with a notice given on the previous day Mr. O'Donnell moved that Assembly Bill No. 5 be withdrawn from the Committee on River Navigation, Reclamation and Flood Control and be placed upon the calendar.

The roll was called.

#### **Call of the Assembly.**

Pending the announcement of the vote, Mr. Desmond moved a call of the Assembly.

Motion carried Time, two o'clock and twenty minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

**Further Proceedings Under Call of the Assembly Dispensed With.**

At 2 o'clock and twenty-two minutes p.m., on motion of Mr. O'Donnell, further proceedings under the call of the Assembly were dispensed with.

Motion to withdraw Assembly Bill No. 5 from committee lost by the following vote:

**AYES**—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Cassidy, Cronin, Crowley, Del Mutolo, Desmond, Dills, Donnelly, Doyle, Evans, Gilbert, Gilmore, Hawkins, Heisinger, Kilpatrick, King, Lore, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Richie, Robertson, Rosenthal, Tenney, Thurman, and Walker—34.

**NOES**—Allen, Bashore, Burson, Call, Carlson, Clarke, Daley, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Knight, Kuchel, Leonard, Lyon, Miller, Eleanor; Phillips, Poulson, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—36.

**Third Reading of Assembly Bills.**

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Bill read third time.

**Motion for Committee of the Whole.**

Mr. Johnson moved that the Assembly resolve itself into a Committee of the Whole for the consideration of Assembly Bill No. 2. The roll was called.

**Call of the Assembly.**

Pending the announcement of the vote, Mr. Houser moved a call of the Assembly.

**Request for Roll Call.**

The Speaker ordered a roll call taken on the motion for a call of the Assembly.

Motion carried by the following vote:

**AYES**—Allen, Call, Carlson, Clarke, Cronin, Daley, Desmond, Dilworth, Field, Fulcher, Green, Houser, Johnson, Kellems, Kepple, Kilpatrick, Leonard, Maloney, Miller, Eleanor; Miller, George P., Millington, Phillips, Richie, Robertson, Rosenthal, Salsman, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weybret, Wollenberg, and Mr. Speaker—38.

**NOES**—Andreas, Bashore, Bennett, Burns, Michael J., Crowley, Del Mutolo, Dills, Donnelly, Doyle, Evans, Gilmore, Heisinger, King, Knight, Massion, Meehan, O'Donnell, Pelletier, Sawallisch, and Walker—20.

Motion carried. Time, two o'clock and twenty-five minutes p.m.

The Speaker directed the Sergeant-at-Arms to lock the doors, and to bring in all absent members.

**Proceedings Under Call of the Assembly by Unanimous Consent.****Consideration of House Resolution No. 9.****House Resolution No. 9.**

*Resolved by the Assembly of the State of California, That Assembly Standing Rule No. 27 of this second extraordinary session, convened on May 13, 1940, is hereby amended to read as follows:*

"27. Every member actually in the Assembly Chamber when a roll call is required, shall record his vote openly and without debate, unless the Assembly shall, after he has stated his reasons for not doing so, excuse him. All motions to excuse a member shall be made before the Assembly divides, or before the recording of ayes and noes is commenced. Any member requesting to be excused from voting may make a brief oral statement of the reasons for such request, and the question shall then be decided without debate by a majority vote of the members present.

The name of any member who refuses to vote as required by this rule after being requested by the Speaker to do so and who has not been excused from doing so shall be entered on the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may,

if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed on the Journal, provided no such explanation shall exceed fifty words in length.

In addition to the entry of his name on the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker.

Censure of a member as provided by this rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or house resolution, and have such explanation printed on the Journal immediately following such vote, provided no such explanation shall exceed fifty words in length."

House Resolution No. 9 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Cronin, Daley, Del Mutolo, Desmond, Dills, Donnelly, Evans, Field, Fulcher, Gilmore, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawalisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—58.

**NOES**—Dilworth, and Green—2.

### **Further Proceedings Under Call of the Assembly Dispensed With.**

At two o'clock and twenty-seven minutes p.m., on motion of Mr. Houser, further proceedings under the call of the Assembly were dispensed with on the motion for committee of the whole.

Motion for committee of the whole lost by the following vote:

**AYES**—Allen, Burns, Hugh M., Call, Carlson, Daley, Del Mutolo, Desmond, Dilworth, Evans, Hawkins, Johnson, Kepple, Kuchel, Leonard, Maloney, Millington, Phillips, Poulson, Robertson, Salsman, Sheridan, Thurman, Turner, Waters, and Mr. Speaker—25.

**NOES**—Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Clarke, Cronin, Crowley, Dills, Donnelly, Doyle, Field, Fulcher, Gilbert, Gilmore, Green, Heisinger, Houser, Kellems, Kilpatrick, King, Knight, Lore, Massion, Meehan, Miller, Eleanor; Miller, George P., O'Donnell, Pelletier, Richie, Rosenthal, Sawalisch, Scudder, Stream, Tenney, Thorp, Walker, Watson, Weber, Weybret, and Wollenberg—42.

### **Introduction and Reference of Bills (Resumed).**

The following bill was introduced, and read the first time.

**Assembly Joint Resolution No. 2: By Messrs. Miller, George P., Millington, Gannon, Tenney and King**—Relative to memorializing the President and Congress to increase the land defenses of the United States.

Referred to Committee on Rules.

### **Guests Extended Privilege of Assembly Floor.**

On request of Mr. Massion, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. Frank O. Georgi.

### **Adjournment.**

At two o'clock and twenty-nine minutes p.m., on motion of Mr. Houser, the Speaker declared the Assembly adjourned this day out of respect to the memory of the late Assemblyman Fred Reaves, who this day passed away, until two o'clock p.m., Tuesday, May 21, 1940.

DAVID V. OLIVER, Minute Clerk.



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

---

# ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY  
NINTH CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Tuesday, May 21, 1940.

At two o'clock p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Cull, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Redwine, Riche, Robertson, Rosenthal, Salsman, Sawallisch, Seudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—76.

Quorum present.

### Prayer.

The prayer was dispensed with by order of the Speaker.

### Reading of the Journal Dispensed With.

On motion of Mr. Allen, the further reading of the Journal of Monday, May 20, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Gannon, on motion of Mr. Millington.

Mr. Gilbert, on motion of Mr. Hawkins.

### Report of Standing Committee.

#### On Rules.

ASSEMBLY CHAMBER. SACRAMENTO, May 21, 1940.

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 14.

Assembly Joint Resolution No. 2.

Respectfully reports the same back with the recommendation: Be adopted.

DESMOND, Chairman.

House Resolution No. 14 ordered on third reading calendar.

Assembly Joint Resolution No. 2 ordered to engrossment.

**Senate Message.**

SENATE CHAMBER, SACRAMENTO, May 21, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Assembly Joint Resolution No. 1.**

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

The above reported bill ordered to enrollment.

**Motion to Expunge Record and Rescind Action on  
House Resolution No. 15.**

On motion of Mr. Lyon, the record was expunged and the action rescinded whereby House Resolution No. 15 was adopted, by the following vote:

**AYES**—Atkinson, Bashore, Bennett, Burson, Call, Carlson, Clarke, Collins, Cronin, Daley, Del Muto, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Yorty—58.

**NOES**—None.

**Consideration of House Resolution No. 15.**

**House Resolution No. 15.**

Relative to the Indians of California.

**Motion to Amend House Resolution No. 15.**

Mr. Lyon moved to amend House Resolution No. 15 as follows:

**Amendment No. 1.**

In the last line of the second paragraph of the recitals of said resolution as printed on page 53 of the Assembly Journal for May 17, 1940 (which paragraph begins with the words "Whereas, if the pending claims"), strike out "and", and insert in lieu thereof the following: "now, therefore, be it".

**Amendment No. 2.**

Strike out the third paragraph of the recitals of said resolution as printed at page 53 of the Assembly Journal (which paragraph begins with the words "Whereas, to accomplish" and ends with the words "now, therefore, be it").

Amendments adopted.

**Request for Unanimous Consent.**

Mr. Lyon asked for, and was granted, unanimous consent to consider House Resolution No. 15, as amended, at this time, without reference to reprint.

House Resolution No. 15 as amended read and adopted.

**House Resolution No. 15, as Amended.**

By Mr. Stream:

**WHEREAS**, The Indians of California have claims pending against the Government of the United States based upon certain treaties signed in 1851 and 1852; and

**WHEREAS**, If the pending claims can be settled at the earliest possible date many Indians in California will be removed from the relief rolls, with a consequent saving to the taxpayers of this State; now, therefore, be it

*Resolved by the Assembly of the State of California*, That it hereby respectfully urges His Excellency, Culbert L. Olson, the Governor of the State of California, that if he should issue a future proclamation for the convening of the Legislature in special session that he consider the inclusion as one of the items on such proclamation the subject of considering the application of section 8025 of the Welfare and Institutions Code; and be it further

*Resolved*, That a copy of this resolution be delivered immediately by the Chief Clerk of the Assembly to His Excellency, Culbert L. Olson, the Governor of the State of California.

**Third Reading of Assembly Bill No. 2.**

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Bill read third time.

**Motion to Amend Assembly Bill No. 2.**

Mr. Knight moved to amend Assembly Bill No. 2 as follows:

**Amendment No. 1.**

On page 1, line 11, of the printed bill, as amended, after "to", insert the following: "and become a part of the unappropriated moneys in".

**Amendment No. 2.**

On page 1, line 12, of the printed bill, as amended, strike out the period, and insert in lieu thereof the following: "and shall not again be drawn from the general fund except in consequence of some other appropriation made by law."

Amendments adopted.

Assembly Bill No. 2 ordered to reprint and re-engrossment.

**Adjournment.**

At two o'clock and thirty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock p.m., Wednesday, May 22, 1940.

DAVID V. OLIVER, Minute Clerk.



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY  
TENTH CALENDAR DAY

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## IN ASSEMBLY

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### ASSEMBLY CHAMBER.

SACRAMENTO, Wednesday, May 22, 1940.

At two o'clock p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gardiner Johnson, Speaker Pro Tempore of the Assembly, in the chair.

Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Heringer, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—74.

Quorum present

### Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary, Church Council of Sacramento.

### Reading of the Journal Dispensed With.

On motion of Mr. Sheridan, the further reading of the Journal of Tuesday, May 21, 1940, was dispensed with.

### Leaves of Absence for the Day.

The following members were granted leaves of absence for the day:

Mr. Gilbert, on motion of Mr. Hawkins.

Mr. Gannon, on motion of Mr. Millington.

### Reports of Standing Committee.

#### On Engrossment and Enrollment.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR. SPEAKER Your Committee on Engrossment and Enrollment has examined.  
Assembly Joint Resolution No. 2.

And reports the same correctly re-engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined Assembly Bill No. 2.

And reports the same correctly engrossed

CASSIDY, Chairman

The above reported bill ordered on third reading calendar.

### Third Reading of Assembly Bills.

**Assembly Bill No. 1**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

Bill read third time.

#### Urgency Clause Adopted.

Urgency clause read, and adopted by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Hawkins, Heisinger, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Maloney, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, and Wollenberg—58

NOES—None.

Bill read third time, and passed by the following vote:

AYES—Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, and Wollenberg—61.

NOES—Heisinger—1.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Joint Resolution No. 2**—Relative to memorializing the President and Congress to increase the land defenses of the United States.

Bill read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor, Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Watson, Weber, Weybret, Wollenberg, and Yorty—65.

NOES—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

Bill read third time, and passed by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Leonard, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, Pelletier, Poulson, Richie, Robertson, Rosenthal, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, and Wollenberg—58

NOES—Heisinger—1.

Title read and approved. Bill ordered transmitted to the Senate

**Assembly Concurrent Resolution No. 1**—Relative to the sponsorship of a WPA project to abate a dangerous nuisance

Bill read, and adopted by the following vote

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Hei-

singer, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Massion, Miller, Eleanor; Miller, George P., Millington, Pelletier, Phillips, Poulson, Robertson, Rosenthal, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Weber, Weybret, and Wollenberg—59  
 NOES—None.

Title read and adopted. Bill ordered transmitted to the Senate

### Resolution.

#### House Resolution No. 18.

By Messrs. Voigt and Lyon:

*Resolved*, That the action of Jack Carl Greenburg, Chief Clerk of the Assembly for the fifty-third (first extraordinary) session, in employing necessary assistance in completing the Journal records of the Assembly for the fifty-third (first extraordinary) session, be and the same is hereby ratified and approved, and the State Controller is hereby authorized and directed to draw his warrant in favor of the following named person for the items and amount set opposite his name, upon the fund for the payment of officers and attaches of the Assembly, and the Treasurer is hereby directed to pay the same:

Albert Day, Journal Clerk-----4 days at \$7 per day  
 (February 26, 27, 28, 29, 1940)

#### Request for Unanimous Consent.

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 18, at this time, without reference to committee.

House Resolution No. 18 read, and adopted by the following vote:

AYES—Allen, Atkinson, Bennett, Burne, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Cronin, Crowley, Daley, Desmond, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kepple, Kilpatrick, King, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, George P., Millington, O'Donnell, Pelletier, Phillips, Poulson, Rosenthal, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Weybret, and Wollenberg—50  
 NOES—None.

### Guests Extended Privilege of Assembly Floor.

On request of Mr. Dilworth, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to C. E. Bond, Elsinore; Frank Miller of Banning; C. E. Dewese, Mayor of Banning; and Rev. Paul Lomax of Banning.

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Winifred Jones, Miss Marie E. Lawrence and Miss Palma Benedetti.

On request of Mr. Del Mutolo, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Father William E. Riker of Holy City.

On request of Mr. Hugh M. Burns, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Catherine Caprino and Mrs. L. D. Caprino of Fresno; also Jenell L. Dickenson of Hanford.

On request of Mr. Kellems, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to W. W. Milliken, Commissioner of Public Works of Santa Monica.

On request of Mr. Scudder, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Harriet Huckathorne, teacher, and the following students of the Chiles Valley School of Napa County: Richard Davies, Mariana Mooney, John Rolph McKee, Elizabeth Wing, Eugene Myers, Abigail Rolph McKee, Rose-marie Stetson and Harold Mjolsnes.

**Adjournment.**

At three o'clock and forty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock p.m., Thursday, May 23, 1940.

DAVID V. OLIVER, Minute Clerk.



**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

---

# ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY  
ELEVENTH CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Thursday, May 23, 1940.

At two o'clock p.m. pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burson, Carlson, Cassidy, Clarke, Crowley, Daley, Del Muto, Dills, Dilworth, Donnelly, Doyle, Gallagher, Gilmore, Green, Hawkins, Houser, Johnson, Kellems, Kepple, Kilpatrick, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Rosenthal, Salsman, Sawalisch, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—54

Quorum present.

### Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary, Church Council of Sacramento.

### Reading of the Journal Dispensed With.

On motion of Mr. Gilmore, the further reading of the Journal of Wednesday, May 22, 1940, was dispensed with.

### Senate Messages.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Senate Concurrent Resolution No. 2**—Relative to adjournment sine die the second extraordinary session of the fifty-third Legislature of State of California.

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

Senate Concurrent Resolution No. 2 read, and referred to the Committee on Rules.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Senate Joint Resolution No. 1**—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California.

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

**Request for Unanimous Consent.**

Mr. Weber asked for, and was granted, unanimous consent to consider Senate Joint Resolution No. 1, at this time, without reference to committee or calendar.

**Consideration of Senate Joint Resolution No. 1.**

Senate Joint Resolution No. 1 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Crowley, Daley, Del Mutolo, Desmond, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gilmore, Green, Hawkins, Houser, Johnson, Kepple, Kilpatrick, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Milington, Pelletier, Poulson, Richie, Robertson, Rosenthal, Salsman, Scudder, Sheridan, Stream, Tenney, Thurman, Turner, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—54.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Reports of Standing Committees.****On Engrossment and Enrollment.**

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: Assembly Joint Resolution No. 1.

And reports the same correctly enrolled, and presented to the Governor on this twenty-third day of May, 1940, at twelve o'clock m.

CASSIDY, Chairman.

**On River Navigation, Reclamation and Flood Control.**

ASSEMBLY CHAMBER, SACRAMENTO, May 22, 1940.

MR. SPEAKER: Your Committee on River Navigation, Reclamation and Flood Control, to which was referred:

Assembly Bill No. 6.

Respectfully reports the same back with the recommendation: Do pass.

WEBER, Chairman.

**Second Reading of Assembly Bill No. 6 (Out of Order).**

**Assembly Bill No. 6**—An act to amend the title and sections 1, 2, 7, and 8 of, to repeal sections 9, 10 and 11 of, and to add sections 9 and 10 to an act entitled "An act to establish a board to be known as the Rector Dam Authority; to prescribe its duties, powers, functions and jurisdiction; to authorize the authority to construct a dam in Rector Canyon to impound the waters of Rector Creek and to sell and distribute said waters; to authorize the authority to issue and sell revenue bonds to provide funds for the acquisition and construction of said dam and to provide for the redemption thereof from the revenues received from the sale and distribution of such waters; authorizing the department of public works of the State of California to operate and maintain such dam and all property appurtenant thereto; authorizing the board to acquire and hold real property necessary for its purposes, and to enter into agreements with State, Federal, and local officers and agencies, and political subdivisions, municipalities, and public districts," approved July 9, 1935, relating to the Rector Dam Authority, changing the membership, powers, and duties thereof, prescribing the duties of the Department of Public Works in relation thereto, and making an appropriation therefor.

Bill read second time, and ordered to engrossment.

**Report of Standing Committee.****On Engrossment and Enrollment.**

ASSEMBLY CHAMBER, SACRAMENTO, May 23, 1940.

Assembly Bill No. 6.

MR. SPEAKER: Your Committee on Engrossment and Enrollment has examined: And reports the same correctly engrossed.

CASSIDY, Chairman.

The above reported bill ordered on third reading calendar.

**Consideration of House Resolution No. 14.****House Resolution No. 14.**

Relative to preservation of scrap iron.

House Resolution No. 14 read, and adopted.

**House Resolution No. 14.**

WHEREAS, Large quantities of scrap iron are now being collected in this State and exported to foreign countries; and

WHEREAS, In the present chaotic condition of world affairs, it is essential that materials such as scrap iron, be conserved for possible use by the Government of the United States; and

WHEREAS, The establishment of community yards for the collection of scrap iron would be an immediate practical step toward enabling the people of the State of California to furnish such scrap iron to the Government of the United States; now, therefore, be it

*Resolved by the Assembly of the State of California*, That this body recommends to the city councils and the boards of supervisors of the cities, cities and counties and counties of this State that they make available to the people at convenient and accessible places, municipal and community yards for the collection and preservation of scrap iron; and, be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to forward copies of this resolution to the several city councils and the boards of supervisors of the said cities, cities and counties and counties.

### Resolution.

#### House Resolution No. 19.

By Messrs. Johnson, Andreas, Kepple, Stream, Kellems, and Miss Miller :

WHEREAS, Word has filtered into the Assembly Chamber that on the 22nd day of May, 1940, one of our esteemed colleagues has filed in Sacramento County a notice of intention to enter into the bonds of matrimony; and

WHEREAS, The anticipated early adjournment or recess of the Extraordinary Session of the California Legislature will make it impossible for many of the members of this Assembly to remain in Sacramento until the three long days of waiting have expired; and

WHEREAS, All of the members are pleased to know of the happiness which has come to The Honorable Gordon W. Corwin, Assemblyman from the Seventy-Third District, and his fair fiancée, Mrs. Ruth Moon, and desire to take this opportunity of expressing their most sincere congratulations to both of them; now, therefore, be it

*Resolved by the Assembly of the State of California*, That its members wish the prospective bride and groom unbounded joy and happiness, and expresses the hope that they may be blessed with long lives of devoted companionship; and, be it further

*Resolved*, That the Chief Clerk of the Assembly be and he is hereby directed to forward a suitably engrossed copy of this resolution to The Honorable Gordon W. Corwin and his chosen bride.

#### Request for Unanimous Consent.

Mr. Johnson asked for, and was granted, unanimous consent to consider House Resolution No. 19, at this time, without reference to committee.

House Resolution No. 19 read, and adopted unanimously.

### Guests Extended Privilege of Assembly Floor.

On request of Messrs. Allen and Millington, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Otis N. Brown, Commander-Chief, Veterans of Foreign Wars, Greensboro, North Carolina; Harold (Billy) Lull, Department Commander, Veterans of Foreign Wars, South Gate, Calif.; Harold Gustafson, Senior Vice-Commander, Veterans of Foreign Wars; Louis Rahlin, Itinerary Chairman, Veterans of Foreign Wars, Department of California, Sacramento; Joe Flores, Publisher for the Department of California Veterans of Foreign Wars; Mrs. Otis N. Brown, Greensboro, North Carolina; Anthony E. Boicelli, Chairman Veterans Welfare Board of California, San Francisco; Elizabeth Lewis, Emily Rahlin, Mrs. Mamie Van der Volgen, Mrs. Fred Miles, Mrs. Fred Russ, Meta Hansen, Mrs. George Hegleman, Lansdale Post Auxiliary, No. 67, Sacramento; Doc Patterson, Commander, Lieut. Lansdale Post No. 67, Sacramento, and Louis Rahlin, Past Post Commander; Fred Miles, Past Post Commander, George J. Hegleman, Past Post Commander, and J. R. Taylor, Past Post Commander, all of Lieut. Lansdale Post No. 67, Sacramento.

On request of Mr. Houser, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. E. C. Hurd, Martha Calkins and Mrs. L. C. Calkins.

On request of Mr. Tenney, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Herbert J. Wilkins, Band Director, of Los Angeles.

On request of Mr. Cassidy, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Robert Gannon of Sacramento.

On request of Mr. Collins, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Joan Quinn of San Francisco.

#### **Adjournment.**

At two o'clock and forty minutes p.m., on motion of Mr. Desmond, the Speaker declared the Assembly adjourned this day until two o'clock p.m., Friday, May 24, 1940.

DAVID V. OLIVER, Minute Clerk.

**CALIFORNIA LEGISLATURE**  
**FIFTY-THIRD (SECOND EXTRAORDINARY) SESSION**

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# ASSEMBLY DAILY JOURNAL

TENTH LEGISLATIVE DAY  
TWELFTH CALENDAR DAY

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## IN ASSEMBLY

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ASSEMBLY CHAMBER,  
SACRAMENTO, Friday, May 24, 1940.

At two o'clock p.m., pursuant to adjournment, the Assembly was called to order.

Hon. Gordon H. Garland, Speaker of the Assembly, in the chair.  
Chief Clerk Jack Carl Greenburg at the desk.

### Roll Call.

The following members answered to the roll call:

Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Del Mutolo, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Hawkins, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lore, Lyon, Maloney, Massion, Meehan, Miller, Eleanor; Miller, George P., Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Redwine, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—77.

Quorum present.

### Prayer.

Upon invitation of the Speaker, prayer was offered by Rev. Alfred Tonness, executive secretary, Church Council of Sacramento.

### Reading of the Journal Dispensed With.

On motion of Mr. Desmond, the further reading of the Journal of Thursday, May 23, 1940, was dispensed with.

### Leave of Absence for the Day.

The following member was granted leave of absence for the day:  
Mr. Gilbert, on motion of Mr. Hawkins.

### Senate Messages.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following:

**Senate Bill No. 33**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately;

**Senate Bill No. 10**—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

Senate Bill No. 33 read first time, and referred to Committee on Ways and Means.

Senate Bill No. 10 read first time, and referred to Committee on Ways and Means.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Senate Joint Resolution No. 2**—Relative to damage by earthquake in Imperial Valley

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

**Request for Unanimous Consent.**

Mr. Walker asked for, and was granted, unanimous consent to consider Senate Joint Resolution No. 2, at this time, without reference to committee or calendar.

**Consideration of Senate Joint Resolution No. 2.**

Senate Joint Resolution No. 2 read, and adopted by the following vote:

**AYES**—Allen, Atkinson, Bennett, Burns, Hugh M., Burson, Call, Carlson, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellem, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Donnell, Pelletier, Phillips, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—58

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

SENATE CHAMBER, SACRAMENTO, May 24, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Assembly Concurrent Resolution No. 1.**

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, May 23, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed as amended:

**Assembly Bill No. 1.**

**Assembly Bill No. 2.**

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of Senate

By JOHN F. LEA, Assistant Secretary.

**Consideration of Senate Amendments to Assembly Bill No. 1.**

**Assembly Bill No. 1**—An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1?

**Amendment No. 1.**

On page 1, line 1, of the printed bill, as amended, strike out "Whereas, the Reclamation Board jointly with", and strike out lines 2 to 13, inclusive, and insert in lieu thereof the following: "In addition to any money other-".

**Amendment No. 2.**

On page 1 of the printed bill, as amended, strike out line 21, and insert in lieu thereof the following: "in carrying out the construction program adopted by the Reclamation Board jointly with the California Debris Commission, for the units of the Sacramento River Flood Control Project consisting of levee construction and repair along the Feather and Sacramento rivers and their tributaries and along the Sutter By-pass and the Yolo By-pass, and for the acquisition of lands, rights of

way, easements, and flowage easements and for incidental construction and for the administration and overhead of the Reclamation Board."

#### **Amendment No. 3.**

On page 1 of the printed bill, after line 21, insert the following:

"SEC. 15. In addition to any other provisions of law which may be applicable hereto, no part of the money appropriated by this act shall be expended for any purpose other than the construction of new works or structures, unless such expenditure and purpose is first approved by the State Controller and by the Chief Engineer and General Manager of the State Reclamation Board."

The roll was called, and the Assembly concurred in the Senate amendments to Assembly Bill No. 1 by the following vote:

AYES—Allen, Andreas, Atkinson, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dilworth, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Phillips, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—59.

NOES—None.

Assembly Bill No. 1 ordered to enrollment.

#### **Consideration of Senate Amendment to Assembly Bill No. 2.**

**Assembly Bill No. 2**—An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.

The question being put: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 2?

#### **Amendment No. 1.**

On page 1, line 2, of the printed bill, as amended, strike out "\$430,315", and insert in lieu thereof the following: "\$300,000".

The roll was called, and the Assembly concurred in the Senate amendment to Assembly Bill No. 2 by the following vote:

AYES—Allen, Andreas, Atkinson, Bashore, Burns, Hugh M., Burns, Michael J., Burson, Call, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Knight, Kuchel, Leonard, Lyon, Maloney, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—66.

NOES—None.

Assembly Bill No. 2 ordered to enrollment.

### **Reports of Standing Committee.**

#### **On Ways and Means.**

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

MR. SPEAKER. Your Committee on Ways and Means, to which was referred.

#### **Senate Bill No. 10.**

Respectfully reports the same back with the recommendation: Do pass.

Signed out by committee:

MILLINGTON, Chairman.	KNIGHT.
TURNER.	WEBER.
BURNS, HUGH M.	GANNON.
THURMAN.	MILLER, GEORGE P.
DONNELLY.	HAWKINS.
O'DAY.	WALKER.

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940.

MR. SPEAKER: Your Committee on Ways and Means, to which was referred.

#### **Senate Bill No. 33.**

Respectfully reports the same back with the recommendation: Do pass.

MILLINGTON, Chairman.

### **Consideration of Senate Bill No. 33.**

#### **Case of Urgency Resolution.**

By Mr. Carlson:

*Resolved*, That Senate Bill No. 33 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that sec-

tion requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second, and third times, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallsch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—62

**NOES**—None.

Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 33, at this time.

#### Second Reading of Senate Bill No. 33.

**Senate Bill No. 33**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

**AYES**—Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, King, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor, Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Robertson, Salsman, Sawallsch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Williamson, Wollenberg, Yorty, and Mr. Speaker—64

**NOES**—None.

#### Third Reading of Senate Bill No. 33.

**Senate Bill No. 33**—An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Burns, Hugh M., Burns, Michael J., Burson, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Evans, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Kellems, Kepple, Kilpatrick, Kuchel, Leonard, Maloney, Massion, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Salsman, Sawallsch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—55

**NOES**—Allen, Bashore, Call, Dilworth, Field, and Robertson—6

Title read and approved. Bill ordered transmitted to the Senate.

#### Consideration of Senate Bill No. 10.

##### Case of Urgency Resolution.

By Mr. Weber:

*Resolved*, That Senate Bill No. 10 presents a case of urgency, as that term is used in section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with and it is ordered that said bill be read the first, second, and third times, considered engrossed, and placed upon its passage.

Resolution read, and adopted by the following vote:

**AYES**—Allen, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Kuchel, Leonard, Maloney, Massion, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Richie, Robertson, Salsman, Sawallsch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—57

**NOES**—None.



Whereupon, the Speaker declared the provisions of Article IV, section 15, of the Constitution suspended for the purpose of further considering Senate Bill No. 10, at this time.

**Second Reading of Senate Bill No. 10.**

**Senate Bill No. 10**—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

Bill read second time.

Urgency clause read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bennett, Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gallagher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kilpatrick, Knight, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Richie, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Tenney, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—62.

**NOES**—None.

**Third Reading of Senate Bill No. 10.**

**Senate Bill No. 10**—An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.

Bill read third time, and passed by the following vote:

**AYES**—Andreas, Atkinson, Burns, Hugh M., Burns, Michael J., Call, Carlson, Cassidy, Clarke, Collins, Corwin, Cronin, Crowley, Daley, Desmond, Dills, Donnelly, Doyle, Field, Fulcher, Gallagher, Gannon, Gilmore, Heisinger, Houser, Johnson, Kilpatrick, Kuchel, Leonard, Lyon, Maloney, Meehan, Miller, Eleanor; Millington, O'Day, O'Donnell, Pelletier, Phillips, Poulson, Richie, Rosenthal, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Wollenberg, and Mr. Speaker—54.

**NOES**—Allen, Bashore, Bennett, Kepple, Knight, Robertson, and Salsman—7.

Title read and approved. Bill ordered transmitted to the Senate.

**Report of Standing Committee (Resumed).**

**On Rules.**

ASSEMBLY CHAMBER, SACRAMENTO, MAY 24, 1940

MR. SPEAKER: Your Committee on Rules to which was referred:

**Senate Concurrent Resolution No. 2.**

Respectfully reports the same back with the recommendation: Be adopted

DESMOND, Chairman

**Consideration of Senate Concurrent Resolution No. 2.**

**Senate Concurrent Resolution No. 2**—Relative to adjournment sine die of the second extraordinary session of the Fifty-third Legislature of the State of California.

Senate Concurrent Resolution No. 2 read, and adopted by the following vote:

**AYES**—Allen, Andreas, Atkinson, Bashore, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Cassidy, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Houser, Johnson, Kellems, Kepple, Kilpatrick, Knight, Kuchel, Leonard, Meehan, Miller, Eleanor; Millington, Pelletier, Phillips, Poulson, Richie, Robertson, Rosenthal, Salsman, Sawallisch, Scudder, Sheridan, Stream, Thorp, Thurman, Turner, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—61.

**NOES**—None.

Title read and approved. Bill ordered transmitted to the Senate.

**Resolutions.**

**House Resolution No. 20.**

By Mr. Voigt:

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant on the contingent fund of the Assembly in favor of the persons or firms listed below and for the amounts of money set opposite their respective names, and as itemized below, and the State Treasurer is hereby authorized and directed to pay the same

Patrick and Moise-Klukner Co., badges.....	\$12 36
Hub Florists, San Francisco.....	28 28

**Request for Unanimous Consent.**

Mr. Voigt asked for, and was granted, unanimous consent to consider House Resolution No. 20, at this time, without reference to committee.

House Resolution No. 20 read, and adopted by the following vote:

AYES—Allen, Andreas, Atkinson, Bennett, Burns, Hugh M., Burns, Michael J., Burson, Call, Carlson, Clarke, Collins, Corwin, Crowley, Daley, Desmond, Dills, Dilworth, Donnelly, Doyle, Evans, Field, Fulcher, Gannon, Gilmore, Green, Heisinger, Johnson, Kellenis, Kepple, Kilpatrick, Kuchel, Leonard, Meehan, Miller, Eleanor; Pelletier, Phillips, Poulson, Richie, Rosenthal, Salsman, Sawallisch, Seuder, Sheridan, Stream, Tenney, Thorp, Thurman, Voigt, Walker, Waters, Watson, Weber, Weybret, Wollenberg, and Mr. Speaker—55.

NOES—Cassidy, and Robertson—2.

**House Resolution No. 21.**

By Mr. Kuchel:

*Resolved*, That the Assembly hereby extends to the Sergeant-at-Arms, Wilkie Ogg, its thanks for the efficient manner in which he and his corps of assistants have performed the duties of their various offices during the current special sessions of the California Legislature; and be it further

*Resolved*, That a copy of this resolution, suitably engrossed, be presented to Wilkie Ogg, that he may transmit the contents thereof to the attaches under his supervision.

**Request for Unanimous Consent.**

Mr. Kuchel asked for, and was granted, unanimous consent to consider House Resolution No. 21, at this time, without reference to committee.

House Resolution No. 21 read, and adopted.

**Committee from the Senate.**

A committee from the Senate, consisting of Senators Breed, Nielsen and Mayo, informed the Assembly that they were now ready to adjourn the fifty-third (second extraordinary) session of the Legislature.

**Motion to Correct Journals.**

On motion of Mr. Lyon, the following Journals (second extraordinary session) approved as corrected by the minute clerk:

Assembly Daily Journals of Monday, May 13, 1940; Tuesday, May 14, 1940; Wednesday, May 15, 1940; Thursday, May 16, 1940; Friday, May 17, 1940; Monday, May 20, 1940; Tuesday, May 21, 1940; Wednesday, May 22, 1940; and Thursday, May 23, 1940.

**Senate Messages.**

SENATE CHAMBER, SACRAMENTO, May 24, 1940

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

**Assembly Joint Resolution No. 2.**

J. A. BEEK, Secretary of Senate.

By JOHN F. LEA, Assistant Secretary.

The above reported bill ordered to enrollment.

SENATE CHAMBER, SACRAMENTO, May 24, 1940.

MR. SPEAKER: I am directed to inform your honorable body that the Senate returns without further action

**Assembly Concurrent Resolution No. 3.**

**Assembly Concurrent Resolution No. 4.**

J. A. BEEK, Secretary of Senate

By JOHN F. LEA, Assistant Secretary.

**Reports of Standing Committees (Resumed).****On Constitutional Amendments.**

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940

MR. SPEAKER Your Committee on Constitutional Amendments to which was referred:

**Assembly Concurrent Resolution No. 2.**

Respectfully reports the same back without further action.

CALL, Chairman

**On River Navigation, Reclamation and Flood Control.**

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940

MR SPEAKER: Your Committee on River Navigation, Reclamation and Flood Control, to which was referred:

**Assembly Bill No. 3.****Assembly Bill No. 4.****Assembly Bill No. 5.****Assembly Bill No. 7.****Assembly Bill No. 8.****Assembly Bill No. 9.****Assembly Bill No. 10.****Assembly Bill No. 11.**

Respectfully reports the same back without further action

WEBER, Chairman.

**On Engrossment and Enrollment.**

ASSEMBLY CHAMBER, SACRAMENTO, May 24, 1940

MR SPEAKER: Your Committee on Engrossment and Enrollment has examined

**Assembly Bill No. 1.****Assembly Bill No. 2.****Assembly Concurrent Resolution No. 1.****Assembly Joint Resolution No. 2.**

And reports the same correctly enrolled and presented to the Governor on this 24th day of May, 1940, at 4:55 p.m.

CASSIDY, Chairman

**Resolutions.****House Resolution No. 22.**

By Mr. Millington:

*Resolved*, That the Speaker appoint a committee of three to wait upon the Senate, and inform it that the Assembly has concluded its labors and ask if it has any further message to deliver to this body.

House Resolution No. 22 read, and adopted.

**Appointment of Committee.**

The Speaker appointed Messrs. Millington, Green and Andreas as a special committee to inform the Senate that the Assembly was now ready to adjourn the fifty-third (second extraordinary) session.

**House Resolution No. 23.**

By Mr. Fulcher:

*Resolved*, That the Speaker appoint a committee of three to wait upon His Excellency, Culbert L. Olson, Governor of the State of California, and inform him that the Assembly has concluded its labors and awaits his further pleasure.

**Appointment of Committee.**

The Speaker appointed Messrs. Fulcher, Thurman and Atkinson as a special committee to inform the Governor that the Assembly was now ready to adjourn the fifty-third (second extraordinary) session.

**Approval of Journal.**

On motion of Mr. Desmond, the Journal of Friday, May 24, 1940, was approved as corrected by the Minute Clerk.

**Guests Extended Privilege of Assembly Floor.**

On request of Mr. Desmond, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to the following named students of the Kinney School, Sacramento: Audrey Stone, Mitsugi Takamoto, Seuchi Yoshida, Nadine Jansen, Yoshiye Yoshida, Nahuko Iida, Margie Yanagisko, Kozuko Okasaki, Ford Yanagisako, Richard Steward, Alfred Parriek, Everett Parriek, Virginia McColough, Lauren Lauridson, Isam Yanagisako, Norman Johnson, Nora Mac Parriek, May Fujimaka, Jack Takamoto, Susumu Fujimaka, Jimmy Takamoto, Jess Miller, Fred Miller, Seigi Yoshida, Daisy Miller, Misaye Yanagisako, Ruby Parriek, Donald Johnson, Bert Miller, Jimmy Hori-zumi and Matsuyo Yoshida; parents, Mrs. Lauridson, Mrs. McColough, Mrs. Hawkins; teacher, Mrs. Wm. Foley

On request of Mr. Kepple, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Eleanor McDougall, and Lilian Douglas of Covina.

On request of Mr. Crowley, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Georgia Crowley and Paula Crowley of Suisun.

On request of Mr. O'Day, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to John Charles Houlihan of San Francisco.

On request of Mr. Thurman, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Theo. Nelson and Magge Nelson of Nevada City; Captain C E Brenner of Oakland, also Mrs. Lee Kettner of Oakland.

On request of Mr. Poulson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Mary Virginia Morris and Mrs. Ethel Baum of Los Angeles.

On request of Mr. Waters, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. Stephens Miranda of Los Angeles.

On request of Mr. Gallagher, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Dorothy Harges, Mr. and Mrs. Al Fisk and Frank Rogers, all of San Francisco.

On request of the San Francisco Delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Edith Britol, Women's Page writer of the San Francisco Call Bulletin.

On request of Mr. Williamson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Robert J. Martineau, attorney-at-law, of Chicago.

On request of Mr. Johnson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Annie Woodall and Mrs. Grace Patty of Berkeley.

On request of Mr. Houser, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Lu G. Miller and Miss Madelene Woodbury of Alhambra, also Mr. and Mrs. Ed. C. Petersen and Brad Petersen of South Pasadena.

On request of Mr. Evans, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Miss Laura La Vell of Los Angeles and Miss Mary T. Leddy of Pasadena.

On request of the San Francisco Delegation, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Ann Sheridan, James Sheridan and Miss Henriette Harack.

On request of Mr. Burns, Michael J., the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Michael McHugh and his brother Rev. Father McHugh.

### **Adjournment Sine Die.**

At five o'clock p.m. on Friday, May 24, 1940, in accordance with Senate Concurrent Resolution No. 2, the Hon. Gordon H. Garland, Speaker of the Assembly, announced that the time for final adjournment of the fifty-third (second extraordinary) session of the Legislature of the State of California had arrived, and therefore declared the Assembly adjourned.

**JACK CARL GREENBURG,**  
Chief Clerk of the Assembly.

**DAVID V. OLIVER,**  
Minute Clerk of the Assembly.

**GORDON H. GARLAND,**  
Speaker of the Assembly.

**GARDINER JOHNSON,**  
Speaker pro tempore of the Assembly.

### ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND FILED WITH THE SECRETARY OF STATE

A. B. Number	Chapter	Author	Subject of Title	Approved by Governor
1	2	Desmond, et al.	Appropriation to Reclamation Board, flood control	May 29
2	3	Knight	Appropriation to Department of Natural Resources, fire prevention	May 29

### ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	6	Doyle	Re improvement Dorchester Ditch	May 28

### ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
1	2	Tenney	Re purge of Communism	May 24
2	7	Miller, George P., et al.	Re land defenses of the United States	June 2